
7 September 2021

Meetings of Council Committees are broadcast live through the [Mid Sussex District Council's YouTube channel](#). Owing to continuing public health restrictions, very limited space is available to observe proceedings in-person. Those wishing to do so must reserve a seat by completing a [Registration Form](#) by 4pm on the day prior to the meeting.

Dear Councillor,

A meeting of **DISTRICT PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER** at these offices on **THURSDAY, 16TH SEPTEMBER, 2021 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 Meeting Explanation.
2. To elect the Vice-chairman of the District Planning Committee.
3. To receive apologies for absence.
4. To receive Declarations of Interest from Members in respect of any matter on the Agenda.
5. To confirm Minutes of the previous meeting of the District Planning Committee held on 8 July 2021.
6. To consider any items that the Chairman agrees to take as urgent business.

3 - 6

Recommended for Approval.

7. DM/20/4127 - Barns Court and Friday Farm, Turners Hill Road, Crawley Down, RH10 4HQ.

7 - 84

8. DM/21/1118 - East Lodge Farm, Malthouse Lane,
Hurstpierpoint, BN6 9LA.

85 - 136

At Officers' request this item has been deferred.

Recommended for Refusal.

None.

Other Matters

None.

9. 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 D Sweatman, R Bates, A Eves, B Forbes, S Hatton, R Jackson, C Laband, A Peacock, C Trumble, R Webb and R Whittaker

**Minutes of a meeting of District Planning Committee
held on Thursday, 8th July, 2021
from 2.00 pm - 2.58 pm**

Present: D Sweatman (Chairman)
A Peacock (Vice-Chair)

R Bates
A Eves
B Forbes

R Jackson
C Trumble
R Webb

R Whittaker

Absent: Councillors S Hatton and C Laband

1. TO ELECT THE CHAIRMAN OF THE DISTRICT PLANNING COMMITTEE.

Councillor Forbes nominated Councillor Sweatman as Chairman of the District Planning Committee. This was seconded by Councillor Peacock and with no further nominations put forward, this was agreed.

RESOLVED

That Councillor Sweatman be elected Chairman of the District Planning Committee.

2. TO ELECT THE VICE-CHAIRMAN OF THE DISTRICT PLANNING COMMITTEE (IF APPROPRIATE).

The Chairman nominated Councillor Peacock as Vice-Chairman of the District Planning Committee. This nomination was seconded by Councillor Forbes and with no further nominations put forward, this was agreed.

RESOLVED

That Councillor Peacock be appointed as Vice-Chairman of the District Planning Committee.

3. TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Cllr Hatton and Cllr Laband.

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

Councillor Bates declared a non-pre-determined interest in Item 7 DM/20/4159 as he is a Member of Haywards Heath Town Council.

5. TO CONFIRM MINUTES OF THE PREVIOUS MEETING OF THE DISTRICT PLANNING COMMITTEE HELD ON 15 APRIL 2021 AND THE MEETING OF THE ANNUAL DISTRICT PLANNING COMMITTEE HELD ON 28 APRIL 2021.

The Minutes of the Committee meeting held on 15 April 2021 and 28 April 2021 were agreed as a correct record and signed electronically by the Chairman.

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

None.

7. DM/20/4159 - DOWNLANDS PARK CARE HOME, BOLNORE FARM LANE, HAYWARDS HEATH, WEST SUSSEX, RH16 4BQ.

Steven King, Planning Applications Team Leader introduced the application seeking full planning permission for the erection of a part two, part three and part four storey building comprising 66 extra care apartments with a community hub, guest suite and staff facilities together with 15 extra care cottages, pavilion, parking and access to form a Continuing Care Retirement Community following the demolition of the existing care home.

The Team Leader confirmed that Committee Members had received the Agenda Update Sheet which detailed clarifications regarding cycle and mobility scooter storage, along with two additional conditions regarding noise and the times for refuse collection.

The Team Leader drew Members' attention to the site's location, as the development plan for this part of Mid Sussex consists of the District Plan (DP) and Haywards Heath Neighbourhood Plan (HHNP). The site is within the built-up area of Haywards Heath, and the existing layout has a care home at the northern end of the site and a car park on the side. The proposal was to demolish all buildings on-site and redevelop the site. The two main wings of the apartment building will be linked by a building that appears as a single storey structure when viewed from the north and two storeys when viewed from the south. As highlighted in the report, the application takes advantage of the falling levels of the site. The existing boundary planting would be retained and enhanced.

The Team Leader discussed the issue of affordable housing, detailed on page 47 of the report, and officers were of the view that there wasn't a need for affordable housing provision as the proposal is C2 instead of C3. He also referred to plans for drainage, which would go from the site to the southeast. It was considered that the site can be satisfactorily drained, with no objections to the scheme from the Council's Drainage Engineer or Southern Water. He expressed the view that the application offers the best use of the site, there was no adverse impact on the landscape and is located within the built-up area, with no significant harm to neighbouring amenities, as indicated on page 41 of the report.

There would be provision for car parking around the property, with 80 spaces: with 64 on the surface, the remaining 16 in the under-croft area. He added that there should be no significant adverse impact on the adjoining properties from vehicle movements and car parking arising from the proposed access road and car parking spaces. There is also no objection from the Highways Authority to the car parking and access arrangements.

The Team Leader advised that the existing building was not listed and was not of listable quality. He outlined the Planning Officers view that the existing building can be regarded as a non-designated heritage asset. He outlined that in the Planning

Officers view, in the balanced judgement required under paragraph 197 of the NPPF, the benefits of the scheme outweighed the loss of the non-designated heritage asset.

He concluded that the proposal complied with the Development Plan when read as a whole, with the benefits of the scheme overriding the loss of existing building on the site. He noted that there were no technical objections to the scheme to the scheme from the Highway Authority, Ecological Consultant or Drainage Engineer. He advised that the Planning Officer considered this to be a well-designed scheme that would provide good quality accommodation in a sustainable location.

Cllr Mike Pulfer spoke in favour of the application.

John Montgomery spoke in favour of the application.

A Member thanked the Planning Team Leader for his work and believed the design was quite innovative. Another Member queried the need for the type of facility in the area noting that in terms of Hurst Place, some of the facilities there had been on the market for a long time. He expressed concern about the loss of old properties, even if they are not listed buildings. The Planning Team Leader replied by highlighting that the Neighbourhood Plan had allocated the site for approximately 20 extra 20 care bungalows. He also referred Members to Government advice which stated that the need to provide housing for older people is critical and that the additional housing was aligned with the Government's agenda for more elderly persons' accommodation.

A Member, while being generally in favour, wanted to receive more extensive visual details of the design. He expressed disappointment that the footprint of the existing building in comparison to the footprint of the proposal had not been adequately pointed out in the recent site visit. Another Member welcomed the changes to the site, citing the usage of solar panels, but expressed concerns about awareness of flooding and the safeguarding of trees. The Chairman noted the Members' suggestions but emphasised that the proposal needed to be considered as it had been presented.

The Chairman took Members to a named vote on the recommendations outlined in the report, and the amendments as detailed on the Agenda Update Sheet. This was proposed by Cllr Forbes and seconded by Cllr Jackson and unanimously approved.

Councillor	For	Against	Abstained
Bates, R.	Y		
Eves, A.	Y		
Forbes, B.	Y		
Jackson, R.	Y		
Peacock, A	Y		
Sweatman, D	Y		
Trumble, C.	Y		
Webb, R.	Y		
Whittaker, R.	Y		

RESOLVED

That subject to the completion of a satisfactory S106 planning obligation securing the necessary financial contributions towards infrastructure as set out in the Assessment section, the occupation of the building and care package, car club and minibus

provision, planning permission be granted subject to the conditions set out in Appendix A and the Agenda Update sheet.

8. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2 DUE NOTICE OF WHICH HAS BEEN GIVEN.

The meeting finished at 2.58 pm

Chairman

MID SUSSEX DISTRICT COUNCIL

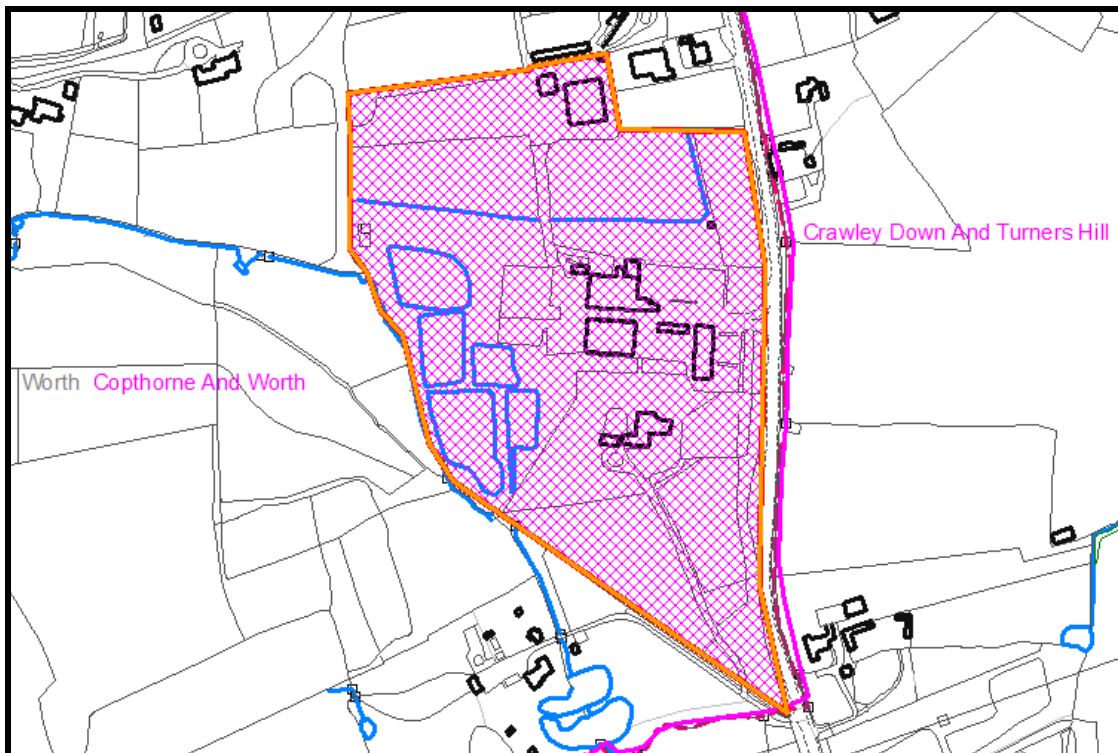
District Wide Committee

16 SEP 2021

RECOMMENDED FOR PERMISSION

Worth

DM/20/4127



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BARNS COURT AND FRIDAY FARM TURNERS HILL ROAD CRAWLEY DOWN WEST SUSSEX

OUTLINE APPLICATION FOR AN EXPANSION OF THE EXISTING COMMERCIAL ESTATE WITH UP TO 7,310 SQ M OF NEW COMMERCIAL SPACE. THERE IS CURRENTLY 3,243 SQ M OF EXISTING COMMERCIAL SPACE, OF WHICH 2,530 SQ M WILL BE RETAINED AND 713 SQ M OF LOWER-QUALITY, TEMPORARY BUILDINGS AND PORTACABINS REMOVED. THE PROPOSED INCREASE OVER THE EXISTING COMMERCIAL FLOOR SPACE IS 6,597 SQ M AND THE TOTAL AMOUNT OF COMMERCIAL SPACE AVAILABLE ON THE SITE POST EXPANSION WILL BE UP TO 9,840 SQ M.

WE ARE ALSO SEEKING PERMISSION FOR A REPLACEMENT OF THE EXISTING DWELLING, AND THE CREATION OF A NEW PUBLIC

**FOOTPATH. THE APPLICATION IS IN OUTLINE, WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS. ADDITIONAL HIGHWAYS INFORMATION SUBMITTED ON 5TH JANUARY 2021, 6TH FEBRUARY 2021, 27TH APRIL 2021, 12TH MAY 2021 AND 7TH JUNE 2021.
MR BARHAM**

POLICY: Ancient Woodland / Area of Special Control of Adverts / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Methane Gas Safeguarding / Planning Agreement / Planning Obligation / Public Right Of Way / Aerodrome Safeguarding (CAA) / Radar Safeguarding (NATS) / Sewer Line (Southern Water) / Tree Preservation Order /

ODPM CODE: Smallscale Major Manufacturing

13 WEEK DATE: 21st May 2021

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 outline planning permission for the expansion of the existing commercial estate at Barns Court and Friday Farm, Turners Hill Road, Crawley Down. The application seeks consent for the principle of the development and for the means of access only. The application also seeks consent for a one for one replacement of an existing dwelling on the site.

The plans propose that a number of temporary buildings and portacabins within the site would be removed. The applicants state that there is currently 3,243sqm of commercial floorspace on site, of which 2,530sqm would be retained. The proposal is to add some 7,310sqm of floorspace, resulting in some 9,840sqm of commercial floorspace on the site post the 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.

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.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan (DP) and the Crawley Down Neighbourhood Plan (CDNP).

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

It is considered that there is not full support for the development under policy DP12 of the DP. Whilst the proposal would be capable of maintaining the quality of the rural and landscape character of the District as required by policy DP12, it is not considered that the proposal is fully supported by a specific policy reference elsewhere in the DP. It is not considered that the proposal could be described as the 'small scale' economic development that is referenced in policy DP1 or permitted by policy DP14 given both the percentage increase and absolute increase in floorspace proposed.

Whilst the design and layout of the site is a reserved matter, there is no reason why a satisfactory design and layout could not come forward at the reserved matters stage. Planning conditions could be used to control the overall size of the proposed buildings (height and footprint) to ensure that the type of units that come forward at the reserved matters stage are the small scale units that the applicants have referred to in their supporting documents. It is not considered that the proposal would result in coalescence between Copthorne and Crawley Down.

The Highway Authority has no objection to the proposed vehicular access to the site and subject to offsite improvements to the Dukes Head Roundabout, they have no objections to the proposal based upon the number of vehicles on the highway network. With these improvements in place, it is not felt that the proposal would have a severe impact on the highway network, which is the test in policy DP21 and the NPPF. The scheme would result in some improvements to the public right of way that runs to the south of the site and this would be a positive benefit that weighs moderately in favour of the application.

Weighing against the proposal, in relation to transport matters, it is considered that notwithstanding the proposed improvements to the PRoW, footway provision adjacent to Turners Hill Road and the link to the Copthorne Common Road, prospective employees are mainly likely to access the site by the private car. To this extent there is a conflict with policy DP21. However, this will be the case for many rural employment sites.

Drawing the transport matters together, there is some conflict with policy DP21 in the DP as prospective employees and visitors are likely to be reliant on the private car to access the site. However it is recognised that this is likely to be the case for most employment sites located in rural areas. It is considered that the proposal is capable of achieving a safe vehicular access and there would not be a severe impact on the

road network from the volume of vehicles arising from the development. Overall it is considered the application complies with policy DP21 when it is read as a whole.

There are no objections to the proposal from the Councils Ecological Consultant or Tree Officer. It is felt that planning conditions can satisfactorily control the method of construction of the PRoW improvement to protect the Ancient Woodland and to mitigate the loss of the bat roost in the house that is proposed to be replaced.

It is considered that the proposal would cause some harm to the setting of the listed buildings neighbouring the site and therefore there is a conflict with policy DP34 in the DP. In terms of the NPPF, this harm is felt to fall within the 'less than substantial' category. Nonetheless, this harm must be afforded significant importance and weight by the decision maker to properly reflect the position as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 that the preservation of the setting of listed buildings is desirable.

The main benefits of the scheme are economic benefits arising from the provision of additional employment floorspace. It is a clear aim of Government policy to support sustainable economic growth and the rural economy. It is considered that the economic benefits of the proposal should be afforded significant weight in the planning balance.

It is therefore felt that overall in the balance required in the NPPF, whilst the 'less than substantial harm' to the setting of the listed buildings should be afforded significant importance and weight, on balance, in this case, the public benefits arising from the scheme do outweigh the less than substantial harm that has been identified.

The proposal is therefore felt to be in compliance with policies DP17, DP21, DP22, DP26, DP37, DP38, DP39 and DP41 of the DP. However the scheme does not fully comply with policies DP1, DP12 and DP14 and there is conflict with DP34. It is considered the application complies with policies CNNP06, CDNP07, CDNP08, CDNP09, CDNP10 and CDNP11 in the CDNP.

Drawing all this together, it is felt that on balance, the proposal is in conflict with the development plan when read as a whole. However, planning law is clear that this is not the end of the matter and that the LPA must have regard to other material planning considerations.

In this case, it has been concluded by Planning Inspectors that there would not have been an adverse impact on the character of the countryside from the previous appeal schemes on the site. As the primary aim of policy DP12 is to protect the character of the countryside, the finding that previous proposals to redevelop the site would not be harmful in landscape terms should be afforded significant weight as a material planning consideration.

It is your Planning Officers view that the compliance with the development plan policies referred to in this report, taken together with the absence of landscape harm and the economic benefits of the scheme, are material planning considerations that would justify a decision that was not in conformity with the development plan when

read as a whole. In this case it is felt that the public benefits to the economy from the proposal do outweigh the less than substantial harm to the setting of the nearby heritage assets. Therefore on balance, it is recommended that this application is approved.

Recommendation

Recommendation A

It is recommended that, subject to the completion of a satisfactory S106 Legal Agreement and/or legal undertaking to secure the required level of infrastructure contributions and offsite improvements to the Dukes Head roundabout, planning permission be granted subject to the conditions set out in Appendix A.

Recommendation B

If by 10th December 2021, the applicants have not submitted a satisfactory signed S106 Legal Agreement and/or legal undertaking securing the necessary financial contributions, then it is recommended that planning permission be refused at the discretion of the Divisional Leader for Planning and Economy for the following reason(s): 'The application fails to comply with Policy DP20 of the Mid Sussex District Plan and paragraphs 55 and 57 of the National Planning Policy Framework in respect of the infrastructure required to serve the development.'

SUMMARY OF REPRESENTATIONS

2 letters of objection:

- The site plans show access to the commercial properties through our residential property on a narrow single track lane. This leaves our property vulnerable and without any consolation to us the owners
- trebling the size of the site would result in a very big increase in commercial vehicles/HGVs
- there is a long standing safety issue with vehicles ignoring the no entry sign when exiting the site and going south instead of going north as they should do and then turning around the Dukes Head roundabout to go southwards
- would increase traffic on the Dukes Head roundabout which was a significant factor in the refusal of the Firs Farm housing development
- extension of business hours could cause noise and air pollution at night
- there is already a lot of untidy signage at the site
- there is no need for this business expansion. There will be excess commercial base available in Gatwick and Crawley following the pandemic from businesses that have closed or will close
- am concerned that this would pave the way for future applications for housing at the site. This would be the thin edge of the wedge

1 letter advising that they believe the public footpath is partly within their ownership with the boundary running down the middle

SUMMARY OF CONSULTEES (full comments in appendices)

County Planning Officer

Requires a TAD contribution of £210,213

Highway Authority

No objection subject to conditions and a section 106 legal agreement to secure improvements to the Dukes Head Roundabout, provision of a Travel Plan and £3,500 for Travel Plan Auditing.

WSSC Lead Local Flood Authority

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

The FRA for this application proposes that sustainable drainage techniques (permeable paving/attenuation) would be used to control the surface water from this development. 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.

WSSC Fire and Rescue Service

Requires the provision of a fire hydrant.

Environment Agency

No objection subject to conditions.

Southern Water

Requests an informative be imposed

Public Rights of Way Officer

The widening of the public right of way would be welcomed. It be clarified whether this would be for the general public to exercise these rights or this route would only be open to those exercising a private right. If the proposal is to install a walking and cycling route for the general public then the required width would be at least 3m to accommodate the various different types of users and ideally, we would prefer to see the route upgraded to a Bridleway allowing walkers, horse riders and cyclists.

Aerodrome Safeguarding

No objection subject to conditions.

NATS Safeguarding

No safeguarding objection to the proposal.

Environmental Protection Officer

No objection subject to conditions.

Conservation Officer

The Firs: In terms of the NPPF I would place this harm at the lower end of the less than substantial scale.

Poplar Place, barn and granary: In terms of the NPPF I would place this harm at the midpoint of the less than substantial scale.

Shepherds Farm: In terms of the NPPF I would consider the harm caused to the listed building by setting to be less than substantial, at the midpoint of that scale. In relation to the NDHA the proposal would cause a medium level of harm to an asset of a moderate level of interest within the local context.

In summary the proposed development causes a degree of harm to the setting of a number of heritage assets.

Ecological Consultant

Recommends conditions be attached to a reserved matters application

Tree Officer

No objection in principle. Requests conditions regarding a method statement and landscaping.

PARISH COUNCIL COMMENTS

Object on the following grounds:

1. There are no satisfactory pedestrian or cycling links between the site and the villages of Copthorne and Crawley Down, which will affect potential employment outcomes. This lack of facility makes the site unsustainable.
2. The highway access to the Turners Hill Rd is considered unsatisfactory for the proposed increased traffic movements. We also question that a 3-fold increase in floor space would only produce a 50% increase in traffic movements. We would also like to know what effect turning left into the site through the morning rush hour queue for the Dukes Head Roundabout, will have on traffic flow at the already over capacity roundabout.
3. There is no declaration within the applicant's text that the " Turn Left Only" on exit to Turners Hill Rd will be retained. We consider that for adequate road safety, this must be retained and enhanced to ensure that no other movement option is available. Turning right with the existing system is a regular occurrence. If you

are minded to approve this application, we request that this " Turn Left" arrangement is enforced by a condition.

4. This site has seen several recent applications which have been refused on appeal, the site being considered by the Inspectors to be unsustainable.

Additional comments received 24th June 2021

Object on the following grounds:

The cycle path mentioned does not exist, it is a footpath.

The site has had several previous applications refused on appeal, the site being deemed unsustainable by the inspectors.

We have concerns over increased traffic movements.

The site was not included in the MSDC DPD as a site of economic development.

INTRODUCTION

This application seeks outline planning permission for the expansion of the existing commercial estate at Barns Court and Friday Farm, Turners Hill Road, Crawley Down. The application seeks consent for the principle of the development and for the means of access only. The application also seeks consent for a one for one replacement of an existing dwelling on the site.

RELEVANT PLANNING HISTORY

There is a long and extensive planning history on the site, including various planning permissions for conversion of existing buildings into commercial uses, temporary buildings on the site and a lawful development certificate for an area of hardstanding. Of most relevance to the determination of this application are the following two applications:

DM/15/3975 - Outline application for the approval of access details for the demolition of existing buildings to allow a residential development of up to 167 units, a community hub including spaces for a local shop and community space together with improvement and alterations to existing commercial business park to achieve a redevelopment of up to 6000m² of commercial space with green infrastructure and two access points off Turners Hill Road (one an upgrade to existing) and one access off Copthorne Common Road, and works associated with development including landscaping, works to ponds, informal and formal open space, selective tree removal, pedestrian, cyclist and public transport infrastructure, utilities and sustainable drainage infrastructure, car and cycle parking.

This application was appealed due to non-determination. The appeal was dismissed in July 2016.

DM/17/1490 - Outline application for the demolition of existing buildings and a residential development of up to 167 units, a community hub including spaces for local shop and community space, together with improvements and alterations to existing commercial business park to achieve a redevelopment of up to 6000m² of commercial space with green infrastructure and two accesses off Turners Hill Road and one off Copthorne Common Road, and including works associated with the development (landscaping, works to ponds, informal and formal open space, selective tree removal, pedestrian, cyclist and public transport infrastructure, utilities and sustainable drainage infrastructure, car and cycle parking). All matters to be reserved except for access.

This application was appealed due to non-determination. The appeal was dismissed in May 2018.

The views of the Inspectors on these decisions are important material planning considerations in the determination of this application.

SITE AND SURROUNDINGS

The site of the application is located to the west of the Turners Hill Road with the Dukes Head roundabout to the northeast. The site is made of three different parcels of land, Firs Farm Barns Court and Friday Farm.

Barns Court is a small commercial business park of approximately 3,243sqm made up of previous converted single storey agricultural buildings. To the west of the buildings are a series of five ponds that are used by a private fishing club. Access to Barn Court is taken from Turners Hill Road.

Friday Farm is a single private residence located to the south of Barn Court in extensive grounds and it too takes access from Turners Hill Road.

To the north, Firs Farm is a private residential property, accessed from Copthorne Common Road, which apart from the main dwelling, contains paddocks and a small cluster of small independent commercial units. The buildings are generally low key with no descript character or redeeming features.

To the east are Poplars Place, Shepherds Farm, and open fields. To the west are fields and woodland, including an area of ancient woodland to the west of the ponds on site.

A public right of way runs along the southern boundary of the site. The site is within the countryside as defined in the District Plan (DP).

APPLICATION DETAILS

This application seeks outline planning permission for the expansion of the existing commercial estate at Barns Court and Friday Farm, Turners Hill Road, Crawley Down. The application seeks consent for the principle of the development and for the means of access only. A subsequent reserved matters application would be required for the appearance, landscaping, layout, and scale of the development.

The plans propose that a number of temporary buildings and portacabins within the site would be removed. The applicants state that there is currently 3,243sqm of commercial floorspace on site, of which 2,530sqm would be retained. The proposal is to add some 7,310sqm of floorspace, resulting in some 9,840sqm of commercial floorspace on the site post the development.

The applicants application form states that the breakdown of the floorspace would be 7,130sqm in Class E(g)(iii) and 2,710sqm in B8 use.

The applicants have provided an illustrative plan to show how the proposal could be accommodated on the site. It is only the means of access as shown on these plans that is to be determined at this stage.

The plans show the existing access point onto Turners Hill Road that serves the Barns Court commercial estate would continue to serve the development. The applicants state that whilst no changes will be made to the access it is proposed that subject to agreement with the highway authority that the carriageway at the junction be resurfaced and white lining replaced where necessary.

At the southern end of the site, the existing access that serves the dwelling known as Friday Farm Bungalow would continue to serve as a separate residential access for the residential dwelling.

The illustrative plans show that the existing dwelling known as Friday Farm bungalow would be demolished and would be relocated further to the south of the site. The illustrative plans show that a number of the existing buildings within the Barns Court commercial estate would be removed. The illustrative masterplan shows 8 new buildings located to the south of the existing buildings at Barns Court and 3 new buildings to the north of the existing buildings at Barns Court.

The illustrative plans show a pedestrian link running through the northern part of the site, linking up to an existing access outside of the site which emerges onto the Copthorne Common Road to the north. This is an existing vehicular access that is outside of the application site but the applicants have confirmed that they have a right of access over it. The intention is to utilise this to provide a pedestrian route out of the site to the north; this access would not be used for vehicular traffic from the development.

The applicants have submitted a supporting statement with their application. In describing the application, in summary, the following points are made:

- To continue the unique agricultural-look of Barns Court and to respect the setting we will use wood cladding for the elevations and other natural and sustainable materials in construction.
- The scale and massing of the new commercial buildings will be in line with the existing; the intention is to continue to cater to the same small local businesses that are currently attracted to the site.
- The scale and massing of the new commercial buildings will be in line with the existing; the intention is to continue to cater to the same small local businesses that are currently attracted to the site.

- The site is currently enclosed by mature trees and hedging, with very limited visibility in from Turners Hill Road, and we intend to increase and improve the planting around the perimeter
- We want to create a new cycleway & footpath around the site, alongside the woodlands on the western edge of the site and via the ponds. The proposal will also include 20% of parking spaces as 'Active' Charging points for electric vehicles.

In respect of the need for the development, the applicants have advised that for 30 years Barns Court has always been close to 100% let. They state that the small workshops at Barns Court are occupied by small local businesses. In their view large new developments, such as Manor Royal in Crawley or St Modwen's near the M23, do not cater for this type of small business.

The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as 'Use Classes'. The Order was amended on 1st September 2020. B1 Business is revoked from 1st September 2020. It is effectively replaced with the new Class E(g). This is defined as:

Uses which can be carried out in a residential area without detriment to its amenity:

*E(g)(i) Offices to carry out any operational or administrative functions,
E(g)(ii) Research and development of products or processes
E(g)(iii) Industrial processes*

The old B2 (general industrial) and B8 (storage or distribution) use classes remain valid.

The application form refers to the creation of B1(c) light industrial and B8 Storage or distribution. The application will be assessed on the basis that the applicants are applying for what is now Class E (g) (iii) and B8 uses.

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.

The Neighbourhood Plan boundary between the Crawley Down Neighbourhood Plan and the Copthorne Neighbourhood Plan Referendum Version runs through the eastern part of the site. Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan (DP) and the Crawley Down Neighbourhood Plan (CDNP). The Copthorne Neighbourhood Plan is not yet a made plan and therefore does not form part of the development plan. The majority of the site lies within an area covered by the Copthorne Neighbourhood Plan Referendum Version.

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

Mid Sussex District Plan

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

Relevant policies:

DP1 Sustainable Economic Development
DP13 Preventing Coalescence
DP14 Sustainable Development and the Rural Economy
DP17 Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
DP20 Securing Infrastructure
DP21 Transport
DP22 Rights of Way and other Recreational Routes
DP26 Character and Design
DP34 Listed Buildings and other Heritage Assets
DP37 Trees, Woodlands and Hedgerows
DP38 Biodiversity
DP39 Sustainable Design and Construction

DP41 Flood Risk and Drainage

Neighbourhood Plan

The Crawley Down Neighbourhood Plan (CDNP) was made in January 2016 and forms part of the development plan for the area. Relevant policies:

CDNP06: Sustainable Drainage Systems
CDNP07: Retention of Existing Employment Sites and the Use of Vernacular Buildings
CDNP08: Prevention of Coalescence
CDNP09: Protect and Enhance Biodiversity
CDNP10: Promoting Sustainable Transport
CDNP11: Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA)

Copthorne Neighbourhood Plan Referendum Version

It should be noted that the boundary for the Crawley Down Neighbourhood Plan lies just to the west of the Turners Hill Road. Therefore the majority of the site lies within the boundary of the Copthorne Neighbourhood Plan Referendum Version.

The Copthorne Neighbourhood Plan will be subject to referendum on Thursday 16th September 2021. As it is not a 'made' plan it does not form a part of the development plan but it is a material planning consideration. The relevant policies are:

CNP1 General Development Requirements
CNP10 CA3: Copthorne Common and Woodland
CNP13 Our Economy
CNP14 Sustainable Transport

Development Infrastructure and Contributions Supplementary Planning Document (SPD)

Mid Sussex Design Guide Supplementary Planning Document (SPD)

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

Site Allocations Document Development Plan Document (DPD)

The Local Planning Authority has produced a Site Allocations Document which will identify sufficient housing sites to provide a five year housing land supply to 2031. It will also make sure that enough land is allocated to meet identified employment needs. The Site Allocations DPD is undergoing an independent public examination by a planning inspector.

Policy SA34 in the DPD is relevant to the determination of this application. Barns Court and Firs Farm are referred to in the DPD as existing employment sites.

National Planning Policy Framework (NPPF) (July 2021)

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

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.

Paragraphs 84 and 85 in the NPPF seek to support a prosperous rural economy and will be referred to later in this report.

National Planning Policy Guidance

Ministerial Statement and Design Guide

On 1 October 2019 the Secretary of State for the Ministry of Housing, Communities and Local Government made a statement relating to design. The thrust of the statement was that the Government was seeking to improve the quality of design and drive up the quality of new homes. The Government also published a National Design Guide, which is a material planning consideration.

The National Design Guide provides guidance on what the Government considers to be good design and provides examples of good practice. It notes that social,

economic and environmental change will influence the planning, design and construction of new homes and places.

Listed Building and Conservation Area (LBCA) Act 1990

ASSESSMENT

In this case the main issues are considered to be:

- Principle of development
- Impact on character of area
- Impact on neighbouring amenities
- Design
- Access and transport
- Trees and Ecology
- Ashdown Forest
- Flood risk and drainage
- Impact on heritage assets

Principle of development

The site lies within the countryside as defined in the DP. Policy DP12 of the DP seeks to protect the character of the countryside. The supporting text to policy DP12 states in part:

'The countryside is a working environment that needs to be managed in a way that enhances the attractiveness of the rural environment whilst enabling traditional rural activities to continue. The rural economy will be supported by other policies within this Plan that permit small-scale development and changes of use that will further economic activities that are compatible with the District's rural character.'

'The primary objective of the District Plan with respect to the countryside is to secure its protection by minimising the amount of land taken for development and preventing development that does not need to be there. At the same time, it seeks to enhance the countryside, support the rural economy by accommodating well-designed, appropriate new forms of development and changes in land use where a countryside location is required and where it does not adversely affect the rural environment.'

It can be seen therefore development that will further economic activity can be permitted where they are compatible with the District's rural character.

The policy itself 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.

The above policy is a key part of the overall spatial strategy of the DP, which seeks to protect the countryside and to focus development on the higher category settlements which have a wider range of services, facilities and better accessibility.

A fundamental principle of this policy is that the countryside is protected for its intrinsic beauty. Development can be permitted where it maintains or enhances the quality of the rural landscape character of the District and it is supported by a policy reference elsewhere in the DP, a development plan document or a neighbourhood plan.

In light of the above, a key issue is the impact of the proposal on the character of the area, which will be discussed later in this report.

Policy DP1 in the DP states in part:

'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. This will be achieved by:

- *Encouraging high quality development of land and premises to meet the needs of 21st century businesses;*
- *Supporting existing businesses, and allowing them room to expand;*
- *Encouraging inward investment, especially the location, promotion and expansion of clusters or networks of knowledge, creative or high technology industries; and*
- *Seeking the provision of appropriate infrastructure to support business growth - in particular high speed broadband connections.*

Provision for new employment land and premises will be made by:

- *Allocating 25 hectares of land as a high quality business park at Burgess Hill to the east of Cuckfield Road;*
- *Allocating further sites within the Site Allocations DPD;*
- *Incorporating employment provision within large scale housing development as part of a mixed use development where it is appropriate; and*
- *Allowing new small-scale economic development, in the countryside, including tourism (in accordance with Development in the Countryside policies).*

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;*
- *Giving priority to the re-use or adaptation of rural buildings for business or tourism use and to the diversification of activities on existing farm units (in accordance with Development in the Countryside policies).*

Neighbourhood Plans should:

- *Identify the needs of local businesses and their local residents for employment opportunities and any areas requiring economic regeneration, infrastructure provision or environmental enhancement as required by paragraph 21 of the National Planning Policy Framework; and*
- *Allocate sufficient land within their towns and villages to meet these needs.*

If monitoring indicates that there is an insufficient supply of allocated employment sites to meet the District's jobs needs, then the Council will consider allocating sites through a Site Allocations Development Plan Document, produced by the District Council.'

Policy DP14 in the DP states:

'Provided it is not in conflict with Policy DP12: Protection and Enhancement of Countryside and DP13: Preventing Coalescence:

- *new small-scale economic development, including tourism-related development, within the countryside (defined as the area outside of built up area boundaries as per the Policies Map) will be permitted provided:*
 - *it supports sustainable growth and the vitality of the rural economy; and*
 - *where possible, utilises previously developed sites.*

- *diversification of activities on existing farm units will be permitted provided:*
 - *they are of a scale which is consistent to the location of the farm holding;*
 - and*
 - *they would not prejudice the agricultural use of a unit*
- *the re-use and adaptation of rural buildings for business or tourism use in the countryside will be permitted provided:*
 - *the building is of permanent construction and capable of re-use without substantial reconstruction or extensive alteration;*
 - *the appearance and setting is not materially altered; and*
 - *it is not a recently constructed agricultural building which has not been or has been little used for its original purpose.'*

Policy DP14 therefore provides support for new small scale development within the countryside, provided that it is not in conflict with policies DP12 and DP13 of the DP. Policy DP1 in the DP states in part that effective use of employment land will be made by *'Permitting appropriate intensification, conversion, redevelopment and/or extension for employment uses providing it is accordance with other policies in the Plan'*.

A key issue is therefore whether this proposal can be considered to be a small scale development. The DP does not define what is meant by 'small scale economic development' and therefore this means that each case will need to be considered on its individual merits having regard to various factors, including the amount of development currently on a site and the amount and location of the additional development that is proposed.

At present there is some 3,243sq m of commercial floorspace at the site and the applicant's proposal would result in some 9,840sq m of floorspace at the site. This is a net increase of some 6,597sq m or an increase of 203%. Percentage wise it is not considered that this could be classed as a small scale. It is also felt that the actual amount of floorspace could not be described as small scale having regard to what is currently on the site.

It is also relevant to note that within the draft site allocations development plan document (DPD), it is proposed that a new policy will be added to the development plan. This DPD will identify sufficient housing sites to provide a five year housing land supply to 2031 and will also make sure that enough land is allocated to meet identified employment needs. The DPD is still undergoing examination by the appointed Inspector.

The NPPF (para. 48) allows for Local Planning Authorities to give weight to policies in emerging plans, according to (a) the stage of preparation of the emerging plan; (b) the extent to which there are unresolved objections to the relevant policies; and (c) the degree of consistency between the relevant emerging policies and the Framework.

The Sites DPD has four main aims, which are:

- to allocate sufficient housing sites to address the residual necessary to meet the identified housing requirement for the district up to 2031 in accordance with the Spatial Strategy set out in the District Plan;
- to allocate sufficient employment land to meet the residual need and in line with policy requirements set out in District Plan Policy DP1: Sustainable Economic Development;
- to allocate a site for a Science and Technology Park west of Burgess Hill in line with policy requirements set out in District Plan Policy DP1: Sustainable Economic Development, and
- to set out additional Strategic Policies necessary to deliver sustainable development.

Draft policy 34 states:

'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.'*

It is considered that this draft policy can only be afforded limited weight at present. It is likely that following the recent changes to The Town and Country Planning (Use Classes) Order 1987 (as amended), which combined a number of uses (A1 retail, A2 financial and professional services, A3 restaurants and cafes and B1 business into a new Class E (Commercial, Business and Service) use, the appointed Planning Inspector will wish to consider how the change to the Use Classes Order impacts on this draft policy. The policy is also the subject of unresolved objections.

Nonetheless the draft policy does indicate the direction of travel in respect of the District Councils policy in relation to economic development. The draft policy is more permissive in respect of economic development in the countryside as there is no reference to proposals having to be small scale.

When assessed against this emerging policy, it is considered that at the reserved matters stage it would be possible to have a design and layout that was in keeping with its countryside location. The expansion is contiguous with the existing boundaries of the site. The final criteria of this policy is a general criteria than encompasses a number of issues, such as the sustainability of the site and impact on neighbouring properties (including heritage assets), which will be discussed later in this report. The draft policy SA34 therefore provides support for the application.

The applicants have stated that they believe there is a clear demand from small businesses for the type of floorspace that they are seeking to provide. The current site directly provides approximately 54 full-time jobs across the 18 small businesses. The applicants estimate that the extension will provide space for up to 30 more small businesses and provide over 100 full-time jobs. It will also be the case that the development would also indirectly support additional employment. There is strong support in the NPPF for sustainable economic growth and the rural economy. It is your Planning Officers view that the economic benefits of the proposal should be afforded significant positive weight in the planning balance.

Drawing the assessment of the application against policies DP1 and DP14, together, it is not felt that the proposal could be described as a small scale expansion. The proposal would support the rural economy by providing new commercial floorspace for smaller businesses. Therefore there is some support for the proposal in both policies DP1 and DP14, albeit not full compliance as this is not felt to be a small scale expansion.

The access to the site is within the boundary of the CDNP. Policy CDNP07 Retention of Existing Employment Sites and the Use of Vernacular Buildings states in part:

'New business development on land already in commercial use will be supported subject to the following criteria:

- d. the scale and nature of the proposals would not have significant harmful impact on the amenities of adjoining activities; and*
- e. the scale of the proposal is proportionate to the existing size of the building; and*

- f. the scale and nature of the proposals would not have unacceptable conflicts with agriculture and other land-use activities; and*
- g. the proposal would not have unacceptable impact on the local road network.'*

In landscape terms it is considered that there is no reason why the design of the proposed buildings, which would be submitted at the reserved matters stage, could not be designed so that they were proportionate to the size of the existing buildings

The other criteria in this policy will be addressed later in this report.

Government advice in the NPPF is supportive of sustainable economic growth and the rural economy. Paragraph 84 states in part that '*Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*' It is felt this provides some support for the principle of the development.

Impact on character of area

Landscape Impacts

The site is not subject to any national landscape designations. The site is well enclosed by tree and hedge planting. The existing buildings on the site are not intrusive within the landscape due to their modest height.

Whilst the two recently dismissed schemes were for both residential and commercial development, the view of the Planning Inspectors are still important material planning considerations in the determination of this application. In dismissing the appeal against the refusal of application DM/15/3975 the Inspector stated:

'40. The appeal site includes low order business units, light industrial sites and residential development with associated landscaped areas, ponds and paddocks. The site is very much surrounded by woodland belts and trees and it has no designated status. As a consequence of these attributes, and notwithstanding the age of some of the trees, the site contributes little to the intrinsic beauty and character of the countryside which the NPPF seeks to protect.

41. The proposal would result in the urbanisation of the site by increasing the scale and density of development on it. This could however, at reserved matters stage, have limited detrimental impact on the character and appearance of the surrounding area due to the existing nature of the site and its sense of enclosure. The proposal could therefore take account of the area's existing role and character in accordance with the NPPF.

42. In terms of the business element of the proposal, the redevelopment could effectively comprise a number of small scale extensions to existing industrial, office or storage premises. A number of existing occupiers have expressed a desire to expand on the site, and enquires have been made by prospective new occupiers. This element of the proposal could also be accommodated satisfactorily within the existing boundaries of the commercial site and present an opportunity to improve the

character and appearance of the site. The proposal would therefore accord with LP Policy E7.

44. I therefore conclude that the proposal would not necessarily have a harmful effect on the character and appearance of the surrounding area and that it would thus not conflict with the NPPF in this regard together with LP Policy E7.'

The dismissed appeal to which the above comments relate, was for a larger development site. The illustrative plans with the dismissed appeal also showed residential development on the southern part of the site whereas on the current application, the majority of the southern part of the site would be for commercial development. Nonetheless it is relevant that the Inspector did not consider that the impact of a much larger development on the character of the landscape justified dismissing the appeal. The second Inspector who dismissed the appeal against application DM/17/1490 did not identify landscape impacts as a reason to dismiss that appeal.

It is therefore considered that it would be very difficult to sustain an argument that the proposed development would have an adverse impact on the character of the countryside when a Planning Inspector has stated that a proposed redevelopment involving a larger site would have limited detrimental impact on the character and appearance of the area and did not find that this was an issue on which the previous appeal should be dismissed. It should be noted that the last appeal (DM/17/1490) was determined on 2nd May 2018 against the same development plan that is in place now, namely the CDNP and the DP.

The majority of the site lies within an area defined under policy CNP10 in the Copthorne Neighbourhood Plan Referendum Version as CA3: Copthorne Common and Woodland. The policy states:

'CNP10.1 As appropriate to their scale and nature development proposals within the defined Character Area 3 -The Copthorne Common and Woodland Character Area (as shown on the Policies Map) should deliver high quality development which takes account of their immediate locality. In particular development proposals should sustain and where practicable reinforce the positive aspects of the character area and respond positively to the identified sensitivity to change matters included in sections 4.6 and 4.7 of the Copthorne Heritage and Character Assessment (May 2019).

CNP10.2 Proposals for commercial uses on the A2220 and A264 Copthorne Common Road will not be supported.

CNP10.3 Where it is practicable to do so development proposals should reduce the severance caused by the primary roads (including the M23, A2220 and A264) by providing improved pedestrian accessibility.

CNP10.4 Development proposals should be designated to minimise the extent and significance of manmade features and views of agricultural landscapes, such as pylons, agricultural vehicles or caravans.'

Whilst this policy can be afforded limited weight at present, it is not considered that the proposal would conflict with the aims of this policy.

Coalescence

Policy DP13 in the District Plan seeks to prevent coalescence. It states:

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

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

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

The District Plan does not define strategic gaps on any policy maps. It is the role of Neighbourhood Plans to identify local gaps in accordance with the criteria laid out in policy DP13.

The site is well screened. In light of the Inspectors comments regarding the impact of the appeal schemes on the character of the countryside, it is not considered that the proposal would have an unacceptably urbanising effect on the area between settlements. It is also not considered that the proposal would result in coalescence that would harm the separate identity of the two nearest settlements, namely Crawley Down and Copthorne.

Criteria CNP1.5 of policy CNP1 in the Copthorne Neighbourhood Plan Referendum Version states:

'Development proposals should be laid out to maintain the perception of separation between Copthorne Village and other surrounding settlements.'

Whilst limited weight can be afforded to this policy, it is considered that the proposal does not conflict with CNP1.5.

Conclusions on the principle of development

To conclude on the principle of the development, as the site lies within the countryside, the starting point for assessing the application is policy DP12 in the DP. In essence this requires two tests to be met. Firstly that development maintains or where possible enhances the quality of the rural and landscape character of the

District and secondly, that it is either necessary for agriculture or is supported by a specific policy reference elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.

In light of all of points raised above, it is felt that the proposal is capable of maintaining the quality of the rural and landscape character of this part of the District. An Inspector has stated that a proposed redevelopment of the site for residential and commercial development would not necessarily have a harmful impact on the character and appearance of the surrounding area. It is not felt that there have been any changes that would justify coming to a different conclusion on this matter now. Therefore the first limb of policy DP12 would be met.

As the proposal is not necessary for agriculture, the second test in policy DP12 is whether the proposal is supported by a specific policy reference elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.

Policies DP1 and DP14 are the most relevant policies in relation to proposals for business development in the countryside. Provided it is not in conflict with policy DP12, policy DP14 allows for new small scale economic development within the countryside provided it supports sustainable growth and the vitality of the rural economy and where possible, utilises previously developed sites.

At present there is some 3,243sq m of commercial floorspace at the site and the applicant's proposal would result in some 9,840sq m of floorspace at the site. This is a net increase of some 6,597sq m or an increase of 203%. Percentage wise this could not be classed as a small scale. It is also felt that the actual amount of floorspace could not be described as small scale having regard to what is currently on the site. It is therefore felt that there is some conflict with policy DP14 insofar as this is not felt to be a small scale expansion.

The proposal would provide additional business floorspace and the applicants have indicated that there is a market for the type of units that they offer on the site. It is estimated that the proposal would provide 100 full time jobs, together with indirectly supporting additional jobs. This would provide a benefit to the rural economy and this attracts significant positive weight in the planning balance.

Drawing the assessment of the application against policies DP1 and DP14, together, it is not felt that the proposal could be described as a small scale expansion. The proposal would support the rural economy by providing new commercial floorspace for smaller businesses. Therefore there is some support for the proposal in both policies DP1 and DP14, albeit not full compliance as this is not felt to be a small scale expansion.

As such policies DP1 and DP14 provide some support to the proposal, as required by policy DP12. The scheme would not have an adverse impact on the character of the countryside that would justify a refusal of planning permission on this ground. Overall it is considered that there is some support for the proposal in policies DP1, DP12 and DP14 but not full compliance.

Impact on neighbouring amenities

Policy DP26 seeks to avoid significant harm to the amenities of adjoining properties from new development. Policy DP29 of the DP 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;*

Light pollution:

- The impact on local amenity, intrinsically dark landscapes and nature conservation areas of artificial lighting proposals (including floodlighting) is minimised, in terms of intensity and number of fittings;*
- The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes;*

Air Pollution:

- It does not cause unacceptable levels of air pollution;*
- Development on land adjacent to an existing use which generates air pollution or odour would not cause any adverse effects on the proposed development or can be mitigated to reduce exposure to poor air quality to recognised and acceptable levels;*
- Development proposals (where appropriate) are consistent with Air Quality Management Plans.*

The degree of the impact of noise and light pollution from new development or change of use is likely to be greater in rural locations, especially where it is in or close to specially designated areas and sites.'

There are residential properties to the north of the site (Erardown), opposite the site to the east (Poplars Place) and to the south at Shepherds Farm and Birchlands. By definition the old B1 (c) Use Class, which is now within Class E, was defined as being an industrial use which can be carried out in a residential area without detriment to its amenity. The Councils Environmental Protection Officer has raised no objection to the application subject to conditions regarding the hours of operation, hours of deliveries and a management plan for each unit. It is felt that with such conditions in place there would be no significant adverse impact on the amenities of the surrounding properties from the additional commercial units proposed by this development.

Design

Policy DP26 in the DP seeks a high standard of design in new development. Good quality design is also sought by the NPPF. The Design Guide SPD contains design principles that seek to improve the standard of design for commercial developments. Principle DG43 seeks to deliver attractive and clearly laid out employment areas that are sensitive to their surrounds. It refers to development in employment areas being laid out with:

- *'The public realm employing a coherent and common design language;*
- *New buildings set within appropriate landscaping with native trees and shrubs defining the street environment and pedestrian realm;*
- *Open spaces and key landscape features located centrally where they can form a focus for the site and designed to provide amenity for employees;*
- *A clear structure of connected streets incorporating footways and cycle routes with buildings fronting the streets wherever possible; and*
- *Parking and servicing softened/screened with vegetation and located at the rear of buildings where it has less impact upon the public realm.'*

As this is an outline application with only the means of access to be determined, the plans of the layout within the site are illustrative and are provided to demonstrate that this level of development can be accommodated within the site.

Given the relatively low level of site coverage it is considered that the illustrative plans do demonstrate that the level of development that is sought can be accommodated within the site. It is your officers view that if outline planning permission was granted, the layout of the site would need to be in a different form to that which is shown on the illustrative plan. At present the illustrative plan shows that the frontages of the buildings would be dominated by hardstanding with very little landscaping in front of the buildings. This would be contrary to principle DG43 in the Design Guide SPD.

There should be no reason why a more satisfactory layout that adheres to the principles in the SPD cannot be brought forward at the reserved matters stage. On this basis there are no grounds to object to the design of the scheme at the outline stage. If approved, the applicants would need to bring forward a satisfactory internal layout and appropriately designed buildings at the reserved matters stage. Planning conditions can be used to control matters of detail, such as the floor size and height of individual buildings and the lighting of the site.

Energy efficiency

Policy DP39 in the DP requires developers to seek to improve the sustainability of their developments. The policy refers to a number of measures that should be incorporated where appropriate into new development.

The applicants have advised that it is intended to design the buildings with high levels of natural daylight to reduce the need for artificial lighting, utilise water efficient fittings and leak detection and target A ratings for energy performance certificates. They advise that 20% of car parking spaces would have active charging points for electric vehicles.

Further details of sustainability measures could be controlled by condition and come forward at the reserved matters stage. It is considered the application has had regard to policy DP39.

Access and Transport

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 111 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.'

With respect to the consideration of development proposals, paragraph 110 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;*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*
- d) 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 proposal would use the existing vehicular access onto Turners Hill Road, which serves the Barns Court Industrial estate. The proposed replacement residential dwelling would use the same separate vehicular access point onto Turners Hill Road. No changes are proposed to this residential access.

The northern access to Copthorne Common Road via Firs Farm will continue to be utilised by pedestrians and cyclists accessing the amenities at the Esso Garage, the bus stops, and also continue to be available for vehicular 'emergency use'.

It is proposed that the existing public right of way (PRoW) route (27W) along the southern edge of the site will be upgraded to provide a 2m wide shared footway/cycleway route leading from Turners Hill Road, up around the ponds and the western boundary of the site to Copthorne Common Road. The plans also propose providing a section of footway on the western side of Turners Hill Road, some 55m in length to the south of where the PRoW adjoins the road.

Capacity of the highway network and highway safety

The applicants have provided a Transport Assessment (TA) and a number of Transport Notes to support their application. The TA *identifies that the proposed use is likely to see an increase of 91 two-way movements in the AM Peak and 61 two-way trips in the PM Peak.*

The applicants Transport Note states that in relation to the Dukes Head Roundabout, in the AM peak, *'The modelling identifies the junction is over capacity in all scenarios, in a 2031 scenario, the maximum increase in queues and delays is 13 vehicles and 100s on the Turners Hill North Arm (65 to 78 vehicles and 371s to 469s) It is noted that in both 2031 scenarios the Turners Hill Road south queue would extend past the site access.'*

In relation to PM peak the applicants Transport Notes states *'The modelling identifies the junction is over capacity in all scenarios, in a 2031 scenario, the maximum increase in queues and delays is 27 vehicles and 170s on the Turners Hill South Arm (47 to 74 vehicles and 268s to 439s) It is noted that in with development 2031 scenarios the Turners Hill Road south queue would extend past the site access. It is noted the site access is approximately 275m south of the junction (47 PCUs) and as such queues would extend past the site access and could potentially increase the occurrence of vehicles turning right out of the site access.'*

As such it is considered that the 2031 scenario shows the addition of the development flows would result in a severe impact on the junction and the development should identify suitable mitigation to the junction.'

To address the impact of the development traffic at this location mitigation measures are proposed to the Turners Hill Road Northern and Southern arms, comprising an extension of the two lane approach on Turners Hill Road north arm and additional left turn lane on Turners Hill Road South. The applicants advise that their modelling shows that with the mitigation measures the impact at this junction will not be severe and the delays reduced on Turners Hill Road North and Southern arms.

The Highway Authority have assessed this modelling and state:

Junction modelling has been provided that is acceptable and highlights that without mitigation the development would impact the Dukes Head Roundabout in a future year scenario, as such the applicant has developed a scheme to widen the Turners

Hill Road approach and is shown on a plan titled Dukes Head Roundabout Proposed Junction Improvements ref JNY10683-05. Due to other works to be delivered at the junction it would be WSCC preference for the carriageway widening works to be costed and a contribution secured.'

The Highway Authority have advised that this would result in a contribution of £52,718 towards mitigation measures at the Dukes Head roundabout. The applicants have confirmed that they are content to make this contribution.

The applicants have also carried out modelling of the Copthorne Common Roundabout. In the AM peak the applicants Transport Note states that *'The modelling identifies the junction is over capacity in the base and all future years. In the 2031 scenario, the maximum increase in queue and delays would be 12 vehicles and 40 seconds (78 to 90 and 172s to 211s) on the Copthorne Way arm.'*

In the PM peak the Transport Note states *'The modelling identifies the junction is over capacity in the base and all future years. In the 2031 scenario, the maximum increase in queue and delays would be 15 vehicles and 48 seconds (87 to 102 and 210s to 258s) on the Copthorne Common Road arm.'*

As such (should a recheck of the flow inputs following correctly titled drawings) it is considered the development would not have a severe impact on the junction'

The Highway Authority has not objected to the application based on the impact of the proposed development on the Copthorne Common roundabout.

In relation to highway safety, the Highway Authority have stated that the stage 1 Road Safety Audit that was undertaken on the site access and identified 1 issue of large vehicle tracking which has been addressed by the provision of vehicle tracking drawings. There would be minor changes to the access from the site onto the Turners Hill Road, with the plans showing a widening of the central island at the junction. Vehicles exiting the site would still be directed to turn left and go northwards towards the Dukes Head Roundabout.

The Highway Authority has not objected to the proposed vehicular access arrangements for the development.

The internal layout of the site that is shown on the submitted plans is illustrative. If approved, a subsequent reserved matters application would need to be made which would deal with the internal layout of the site. It would be at this point that vehicular access within the site would be finalised and assessed.

The Highway Authority have no objection to the application based on highway safety concerns or in relation to the impact on the capacity of the network, subject to the improvements that have been identified to the Dukes Head roundabout being secured. It should be noted that the improvements to the Dukes Head Roundabout would be in addition to those already secured under the legal agreement attached to the planning permission at the St Modwen site, which was granted planning permission under reference 13/04127/OUTES for a comprehensive development of up to 500 homes, a primary school and doctors surgery, up to 15,500sqm

employment floorspace (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.

Accessibility of site

The proposal would provide a pedestrian route through the site to the Copthorne Common Road to the north. There is a bus stop on the southern side of the Copthorne Common Road. This bus stop provides services to Crawley, East Grinstead, Haywards Heath, Burgess Hill and Brighton. There are also bus stops on the Turners Hill Road. On the dismissed appeal for up to 167 dwellings and up to 6,000sqm of commercial floorspace (DM/17/1490) the Inspector stated *'There are bus stops close to the appeal site on the A264 and on Turners Hill Road, providing frequent bus services to Copthorne and Crawley Down, and beyond to Crawley and East Grinstead. However, notwithstanding this reasonably good provision, the relative convenience of car use and the off-putting nature of crossing the roads to reach bus stops are likely to discourage the use of bus stops for most trips. For these reasons therefore future occupiers of the development would be very likely to rely on private car trips for the necessities of daily life.'*

The Inspector went on to state *'There are a small range of services and facilities provided in the centres of Crawley Down and Copthorne, in both cases something over 2 km away from the appeal site. These services and facilities are therefore at the limits of distance which would be likely to be regularly walked. Given the proximity, speed and frequency of traffic close to the access routes, accessing either village by foot would be additionally unappealing to pedestrians, particularly to parents taking smaller children to school or to the elderly.'*

While the distances would be less challenging for cyclists, the cycleway to be provided to Crawley Down would stop short of the village centre, requiring cyclists to re-join the traffic, and would also stop short of the Worth Way cycle route providing segregated access to the village centre and to East Grinstead. These factors might discourage cycle use.'

The Inspector concluded on this point that *'The development would therefore be poorly accessible in relation to access to local services and facilities, other than by the use of private cars. It would as a result be contrary to policy DP21 of the DP, which seeks development which is sustainably located to minimise the need for travel and to promote the increased use of alternative means of transport to the private car.'* In your Planning Officers view these comments were aimed predominantly at the residential element of the appeal scheme.

It is acknowledged that this is a commercial development (the residential element is simply a one for one replacement) and therefore there will not be additional residents at the site who would need to access shops, services, employment opportunities and schools. There will be new employees who will need to access the site. The aims of policy DP21 as summarised in the Inspectors comments set out above, apply to all development.

Overall, it is considered that prospective employees on this site are likely to use the private car to access the site rather than public transport, or walking/cycling. Policy DP21 seeks to sustainably located development to minimise the need for travel but does recognise that there may be circumstances where development needs to be located in the countryside, such as rural economic uses. This is reflected in the advice paragraph 105 of the NPPF, which states in part *'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.'* This point is also recognised in paragraph 85 of the NPPF which states *'Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.'*

It is considered that the proposed improvements to the PRoW on the southern boundary of the site could be secured by a planning condition, which would include details of the method of construction so as to protect the adjacent trees and Ancient Woodland. The proposed footway within the site to provide a route through to the Copthorne Common Road could come forward in the reserved matters. This would be a benefit that weighs positively in the planning balance.

The proposed section of footway on the western side of Turners Hill Road would provide a modest benefit as it would allow pedestrians on the PRoW travelling southwards to walk along the path before crossing the road onto the footway on the eastern side of Turners Hill Road.

Whilst these improvements do weigh positively in the planning balance, it is your Planning Officers view that prospective employees of the site will remain largely reliant on the private car to access the site and this is how the majority of people will access the site. It is felt that the likely reliance on the private car to access the site weighs moderately against the application in the planning balance.

In addition to the above, the County Council have advised that they require a Total Access Demand (TAD) contribution of £210,213 to mitigate the impact of the development. This is to go towards managing traffic speeds on the B2028 Turners Hill Road to improve pedestrian and cycle movement and/or the Turners Hill Road Cycle Path.

Policy DP20 of the District Plan seeks to ensure that development is accompanied by the necessary infrastructure. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations. 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

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

The National Planning Policy Framework sets out the government's policy on planning obligations in paragraphs 55 and 57 which state:

'55 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:

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

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) 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).

As Members will know 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.

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

Conclusions on access and transport

To summarise, the Highway Authority have no objection to the application, subject to the offsite improvements to the Dukes Head Roundabout taking place. Given the views of the Highway Authority, it is not felt that the proposal would have a severe impact on the capacity of the road network, which is the test in policy DP21 and the NPPF. It is also considered that the vehicular access into the site would be safe. There would not be an unacceptable impact on the local road network, which is the test in part g of policy CDNP07 in the CDNP.

Notwithstanding the upgrade to the public right of way, footpath link proposed within the site and creation of an additional section of footway on the western side of the Turners Hill Road, it is considered that prospective employees would predominantly access the site by the private car. Cyclists wishing to travel from the proposed development to Crawley Down would have to use the carriageway of Turners Hill

Road. This would not be attractive, particularly due to the bend in the road. The route therefore would not facilitate the use of cycling as a sustainable mode of transport, as set out in the NPPF.

However this is a rural site where it is to be expected that there will be fewer opportunities to access public transport than within urban areas. This is acknowledged in policy DP21 and the NPPF. In light of all the above, including the absence of objection from the Highway Authority, it is considered that overall the scheme complies with policy DP21 when the policy is read as a whole.

Trees and ecology

Policy DP37 in the District Plan seeks to prevent the loss of trees which are important to the landscape and ensure that sufficient consideration has been given to the spaces around buildings. This policy applies to trees irrespective of whether they do or do not have a Tree Preservation Order (TPO). None of the trees within the site are subject to a TPO.

The Councils Tree Officer has stated *'I have no objections to the scheme in principal, however, I note that the footpath is impacted by mature trees and there are plans to widen/improve it. Where possible, the footpath should seek to avoid RPAs and details will be required of proposed surfacing which may require no dig solutions, and other construction details.'*

I do not have objections to the removal of the leylandii from within the site, however boundary trees are very important within the site and there is scope to supplement this planting and provide additional trees/screening. I note there is a recognition of the need to increase the landscape buffer of the site with Turners Hill Road.'

The Tree Officer has requested conditions regarding an arboricultural method statement and full landscaping scheme being submitted. It is considered that such conditions would be reasonable and that with these in place, there would be no reason to resist the application based on the impact on trees in and around the site.

Policy DP38 in the DP 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 180 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 reasons⁶³ and a suitable compensation strategy exists; and

- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate..'*

Footnote 63 refers to: *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.'*

The application is accompanied by an Ecology Report that is available on file for inspection. It reports that surveys have established that the only protected species which could be affected are common birds, a small population of grass snake, and bats roosting in a residential building which is proposed for demolition. Other protected species are absent or there is no suitable habitat present for them - these include for example great crested newt and most common reptiles. The applicants report recommends that potential bird breeding habitat and potential grass snake shelter should be cleared during the winter (November to January inclusive), when these features are least likely to be in use by these species.

The applicants report notes that the removal of the bat roost will need a licence from Natural England. The report recommends that before any demolition takes place, bat boxes should be provided on nearby trees to provide roosts for the bats between demolition and construction of new buildings. It states the new buildings should include a purpose-built bat loft, as close as possible to the location of the existing bat roost building.

The habitats within the site of greatest ecological value are the ponds and the woodland and trees along the edges of the site. The tall grassland in the southern part of the site is also of some value, but other habitats are of low or minimal value.

The illustrative layout plan shows a footway on the southern boundary of the site that then turns northwards and runs along the western boundary of the site. This would be within the 15m buffer of the area of Ancient Woodland, which is to the southwest and west of the site.

The Councils Ecological Consultant has commented on this specific point and stated '*Acceptability of the proposed footpath upgrade, within 15m of ancient woodland, would depend on an appropriate low impact design utilising a no-dig construction specification to protect tree roots and associated soil ecology and a suitable surfacing that will avoid any leachates that could harm the woodland ecology (as well as meeting aesthetic considerations to maintain a naturalistic character to the route). There may also be issues where the upgrades pass through root zones of other non-ancient woodland trees that will need to be addressed so I have included these in the proposed condition below, but this is obviously subject to the advice from the council's tree officer.'* The Tree Officer does not object to the application, subject to conditions to control the method of construction to avoid damaging routes.

On this basis it is considered there are no reasons to resist the application based on matters relating to trees and Ancient Woodland.

With regards to the bat roost in the existing house, the Councils Ecological Consultant advises that if planning permission was granted, he would expect a licence to be obtainable from Natural England. There are no reasons to dispute this assessment. It would be possible to provide bat boxes and a purpose built bat loft in the new buildings to mitigate the loss of the existing roost. With this secured by a condition, it is not felt that there would be a reason to resist the application relating to bats.

A significant proportion of the site is mown grassland that has limited ecological value. As the application is not seeking a level of development that would cover a significant proportion of the site, there is an opportunity for a layout to come forward at the reserved matters stage that had improved landscaping with a greater ecological value. The Councils Ecological Consultant has suggested a condition is imposed that requires, amongst other things, a compensation and enhancement and long-term management plan demonstrating a positive net gain in wildlife value of the site.

In summary, it is considered that there is an opportunity to secure a management plan for the site to ensure that there is no net loss of bio diversity on the site. The detailed positioning of the upgraded path on the southern boundary of the site and within the site would come forward at the reserved matters stage. The construction details can be controlled by condition to ensure that the Ancient Woodland and trees are protected. The loss of the existing bat roost can be mitigated by replacement provision in the new buildings and bat boxes within the site. In light of this it is considered the application would comply with policies DP37 and DP38 in the DP.

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 does not propose residential development 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.

There would be no net increase in dwellings on the site, so there would be no impact on the Ashdown Forest from this element of the scheme. The applicants Transport Statement indicates that there will be no change in vehicle movements across Ashdown Forest as a result of the proposed development. There are no reasons to dispute this assessment. On this basis 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 types of development identified which includes this 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.

Flood risk and drainage

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 167 of the NPPF 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 assessment⁶⁵. 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.'*

Footnote 55 states 'A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.'

In relation to surface water the applicants propose that all runoff from new buildings and hard surfacing other than car parking be directed into the eastern-most of the existing basins. These ultimately outfall into the existing surface water ditch to the west. Permeable paving is proposed to be installed to new car park areas. Flow control devices (Hydrobrakes or similar) will be used to control outflow from the new basins into the existing east-west oriented ditch bisecting the northern part of the site.

The Councils Drainage Engineer has stated *'The Environment Agency's consultation response states that infiltration drainage should not be used due to the potential risk of contamination. Therefore, the Flood Risk and Drainage Team would advise the applicant that no infiltration drainage should be used on the site and all buried attenuation should be lined. We would advise the applicant that the replacement dwelling is considered, in terms of drainage potential, new build. Therefore, surface water drainage from the dwelling should be designed to cater for the 1 in 100-year storm event, with a 40% allowance for climate change.'*

The Councils Drainage Engineer has requested a condition be imposed to control the details of the surface water drainage. There is no reason in principle why this site cannot be satisfactorily drained. With such a condition in place policy DP41 in the DP and CDNP06 in the CDNP would be met.

For foul water it is proposed to connect to an existing foul sewer that passes through the site. Southern Water have indicated that they can facilitate foul sewerage disposal to serve the development. As Members will be aware, the Supreme Court has confirmed that developers have an absolute right to connect to the foul water sewer. The details of the connection can be controlled by a planning condition.

Impact on heritage assets

As the application affects a number of listed buildings, the statutory requirement to have special regard to the desirability of preserving the building, its setting and any features of special interest (s66, Planning (Listed Buildings and Conservation Areas) Act 1990) must be taken into account when making any decision. In addition, in enacting section 66(1) of the Listed Buildings Act, the desirability of preserving the settings of listed buildings should be given 'considerable importance and weight' when the decision taker carries out the balancing exercise, thus properly reflecting the statutory presumption that preservation is desirable.

Case law has stated that *"As the Court of Appeal has made absolutely clear in its recent decision in **Barnwell**, the duties in **sections 66 and 72 of the Listed Buildings Act** do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach*

*such weight as it sees fit. If there was any doubt about this before the decision in **Barnwell** it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight."*

*The Courts further stated on this point "This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in **Barnwell**, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering."*

Th statutory duties set out in the (LBCA) Act 1990 are reflected in the District Plan. Policy DP34 of the District Plan states in relation to the setting of listed buildings:

'Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

- A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;...*
- Special regard is given to protecting the setting of a listed building;'*

Paragraph 199 of the NPPF states:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

Paragraph 202 of the NPPF states:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

The Firs is a Grade II listed mid-19th century house located on the junction of Turners Hill Road and Copthorne Common Road. The Conservation Officer states:

'The surviving rural setting of The Firs, which is the broader setting to the west and south of the asset, makes a modest positive contribution to the manner in which the special interest of the asset is appreciated, in particular those parts of this interest which are drawn from its illustrative historical and aesthetic values. This contribution is reduced by the existing development around the building and by the degree of screening along the road frontages of the asset itself.'

The application site is a short distance to the south of The Firs, separated from it by a further house and telephone exchange building.

Although there is some screening along the Turners Hill Road boundary of the site provided by trees and other vegetation, this is of varying density and allows views into the site at various points along its length particularly in winter, in which the open and undeveloped nature of the northern and southern ends of the site can be appreciated. These parts of the site retain something of its original rural character. The current proposal would have a significant impact on the character of these currently open areas of the site by the introduction of substantial built form.

The proposal would therefore have some impact on the wider setting of The Firs, including the approach to it along Turners Hill Road, by a reduction in the rural nature of that setting. This would result in a degree of harm to the contribution that setting makes to the special interest of the listed building and the manner in which this is appreciated, contrary to the requirements of District Plan Policy DP34. In terms of the NPPF I would place this harm at the lower end of the less than substantial scale.'

Given the intervening buildings between the site and The Firs, your Planning Officer considers that the harm arising to the setting of The Firs is less than substantial as defined by the NPPF, and is certainly at the lower level of the scale. It should also be noted that the internal layout that is shown is illustrative so the proposed buildings could be grouped further away from The Firs when a reserved matters application is submitted.

Poplar Place, barn and granary are located on the eastern side of Turners Hill Road. The Conservation Officer suggests that this group of buildings began as farmhouse and farmstead, although by the mid-late 19th century historical mapping would suggest that the farmhouse had become a polite country residence, with gardens laid out around it, and known as The Poplars. The Conservation Officer states:

'The surviving rural setting of these assets, to the west, east and south, makes a strong positive contribution to their special interests and to the manner in which this is appreciated, in particular those parts of these special interests drawn from historical illustrative and aesthetic values. The site, the undeveloped northern end of which is directly opposite Poplars Place, forms part of this setting.'

As above, the screening along the Turners Hill Road boundary of the site is partial, especially in winter, and the proposed new built form would be likely to have an

impact on views into its northern and southern parts. The proposed development site is directly opposite the assets at Poplars Place and new built form on it will detract from the currently positive impact that this part of the site has on the setting of the assets. The broader development will also impact on the character of the approach to Poplars Place along Turners Hill Road from the south.

This will result in a degree of harm to the contribution that setting makes to the special interest of the listed building and the manner in which this is appreciated, contrary to the requirements of District Plan Policy DP34. In terms of the NPPF I would place this harm at the midpoint of the less than substantial scale.'

Again, your Planning Officer would agree with this assessment. Additional planting could be put in place on the eastern boundary of the site to screen the development. It is also the case that the layout currently shown is illustrative and the proposed buildings could be positioned further away from Poplars Place. Nonetheless, there would be additional built form on the site, which erode the current openness which contributes to the setting of Poplars Place.

Shepherds Farm is located directly opposite the southern end of the site and is also opposite the point at which the PROW running along the western boundary of the site meets Turners Hill Road. At this point on the road frontage the screening is relatively weak, and there are fairly clear views into the site, although direct intervisibility would be limited by the screening along the boundary of the gardens to Shepherds Farm. The Conservation Officer notes that Shepherds Farm would be considered to possess historical evidential and illustrative value as a good example of an early 19th century farmhouse, altered and extended over time in response to changes in socio-economic conditions and the needs and aspirations of its owners. She concludes:

'... the proposed development will have a significant impact on the character of the site and in particular the currently undeveloped northern and southern ends. This will detract from the currently positive contribution which the southern end of the site in particular makes to the setting of Shepherds Farm, including the approaches to it along Turners Hill Road from the north and along the above mentioned PROW. This will be contrary to the requirements of District Plan Policy DP34. In terms of the NPPF I would consider the harm caused to the listed building by setting to be less than substantial, at the midpoint of that scale. In relation to the NDHA the proposal would cause a medium level of harm to an asset of a moderate level of interest within the local context.'

With regards to the relocated dwelling proposed within the site, the applicants have indicated that they are prepared to place this dwelling in an alternative location within the site, so that it is not opposite Shepherds Farm. As the plan showing the internal layout of the site is illustrative, it would be possible for the replacement house to be located elsewhere within the site.

Additional planting could be put in place on the eastern boundary of the site to screen the development. It is also the case that the layout currently shown is illustrative and the proposed buildings could be positioned further away from Shepherds Farm. Nonetheless, there would be additional built form on the site,

which erode the current openness which contributes to the setting of Shepherds Farm.

In light of the above, a judgement must be made as to whether there are any public benefits that outweigh the less than substantial harm (which must be given significant importance and weight).

In dismissing the appeal for 167 dwellings and up to 6,000sqm of commercial floorspace in 2018, the Inspector stated *'The development would also provide some economic benefits through the creation of additional business floor space on site, and through the construction phase, although they would be limited, and the weight I attach to them would be no more than moderate.'* The current scheme provides for a net gain of some 6,597sqm of commercial floorspace.

The development plan remains the same now as when this appeal was dismissed. The scheme would provide the same type of economic benefits now as identified by the Inspector in 2018. Given the economic difficulties brought about by the Covid pandemic, it is your Planning Officers view that greater weight can be attributed to the economic benefits of the scheme now.

Conclusions on heritage matters

It is considered that the proposal would cause some harm to the setting of the listed buildings identified above and therefore there is a conflict with policy DP34. In terms of the NPPF, this harm is felt to fall within the 'less than substantial' category. Nonetheless, this harm must be afforded significant importance and weight by the decision maker to properly reflect the position as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 that the preservation of the setting of listed buildings is desirable.

The main benefits of the scheme are economic benefits arising from the provision of additional employment floorspace. These have already been set out in the report and in your Planning Officers view, should be afforded significant weight.

It is therefore felt that overall, whilst the 'less than substantial harm' to the setting of the listed buildings should be afforded significant importance and weight, on balance, the public benefits arising from the scheme (additional employment, benefits to the rural economy) should be afforded significant weight and on balance, these do outweigh the less than substantial harm identified.

PLANNING BALANCE AND CONCLUSION

To conclude, planning legislation holds that the determination of a planning application shall be made in accordance with the Development 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 DP and the CDNP.

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

It is considered that there is not full support for the development under policy DP12 of the DP. Whilst the proposal would be capable of maintaining the quality of the rural and landscape character of the District as required by policy DP12, it is not considered that the proposal is fully supported by a specific policy reference elsewhere in the DP. It is not considered that the proposal could be described as the 'small scale' economic development that is referenced in policy DP1 or permitted by policy DP14 given both the percentage increase and absolute increase in floorspace proposed.

Whilst the design and layout of the site is a reserved matter, there is no reason why a satisfactory design and layout could not come forward at the reserved matters stage. Planning conditions could be used to control the overall size of the proposed buildings (height and footprint) to ensure that the type of units that come forward at the reserved matters stage are the small scale units that the applicants have referred to in their supporting documents. It is not considered that the proposal would result in coalescence between Copthorne and Crawley Down.

The Highway Authority has no objection to the proposed vehicular access to the site and subject to offsite improvements to the Dukes Head Roundabout, they have no objections to the proposal based upon the number of vehicles on the highway network. With these improvements in place, it is not felt that the proposal would have a severe impact on the highway network, which is the test in policy DP21 and the NPPF. The scheme would result in some improvements to the public right of way that runs to the south of the site and this would be a positive benefit that weighs moderately in favour of the application.

Weighing against the proposal, in relation to transport matters, it is considered that notwithstanding the proposed improvements to the PRow, footway provision adjacent to Turners Hill Road and the link to the Copthorne Common Road, prospective employees are mainly likely to access the site by the private car. To this extent there is a conflict with policy DP21. However this will be the case for many rural employment sites.

Drawing all the transport matters together, there is some conflict with policy DP21 in the DP as prospective employees and visitors are likely to be reliant on the private

car to access the site. However it is recognised that this is likely to be the case for most employment sites located in rural areas. It is considered that the proposal is capable of achieving a safe vehicular access and there would not be a severe impact on the road network from the volume of vehicles arising from the development. Overall it is considered the application complies with policy DP21 when it is read as a whole.

There are no objections to the proposal from the Councils Ecological Consultant or Tree Officer. It is felt that planning conditions can satisfactorily control the method of construction of the PRow improvement to protect the Ancient Woodland and to mitigate the loss of the bat roost in the house that is proposed to be replaced.

It is considered that the proposal would cause some harm to the setting of the listed buildings neighbouring the site and therefore there is a conflict with policy DP34 in the DP. In terms of the NPPF, this harm is felt to fall within the 'less than substantial' category. Nonetheless, this harm must be afforded significant importance and weight by the decision maker to properly reflect the position as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 that the preservation of the setting of listed buildings is desirable.

The main benefits of the scheme are economic benefits arising from the provision of additional employment floorspace. It is a clear aim of Government policy to support sustainable economic growth and the rural economy. It is considered that the economic benefits of the proposal should be afforded significant weight in the planning balance.

It is therefore felt that overall in the balance required in the NPPF, whilst the 'less than substantial harm' to the setting of the listed buildings should be afforded significant importance and weight, on balance, in this case, the public benefits arising from the scheme do outweigh the less than substantial harm that has been identified.

The proposal is therefore felt to be in compliance with policies DP17, DP21, DP22, DP26, DP37, DP38, DP39 and DP41 of the DP. However the scheme does not fully comply with policies DP1, DP12 and DP14 and there is conflict with DP34. It is considered the application complies with policies CNNP06, CDNP07, CDNP08, CDNP09, CDNP10 and CDNP11 in the CDNP.

Drawing all this together, it is felt that on balance, the proposal is in conflict with the development plan when read as a whole. However, planning law is clear that this is not the end of the matter and that the LPA must have regard to other material planning considerations.

In this case, it has been concluded by Planning Inspectors that there would not have been an adverse impact on the character of the countryside from the previous appeal schemes on the site. As the primary aim of policy DP12 is to protect the character of the countryside, the finding that previous proposals to redevelop the site would not be harmful in landscape terms should be afforded significant weight as a material planning consideration.

It is your Planning Officers view that the compliance with the development plan polices referred to in this report, taken together with the absence of landscape harm and the economic benefits of the scheme, are material planning considerations that would justify a decision that was not in conformity with the development plan when read as a whole. In this case it is felt that the public benefits to the economy from the proposal do outweigh the less than substantial harm to the setting of the nearby heritage assets. Therefore on balance, it is recommended that this application is approved.

APPENDIX A – RECOMMENDED CONDITIONS

1. Approval of the details of the appearance, layout, scale and landscaping 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 must be begun either not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter 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.

Pre commencement

2. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of:

- Monitoring of any standing water within the site temporary or permanent
- Management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds.

The Bird Hazard Management Plan shall be implemented as approved and shall remain in force for the life of the ponds/development. 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 site in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Gatwick Airport.

3. 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
- Details of any alterations/enhancements to the ponds
- Details of any aquatic/marginal planting

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.

4. No development shall take place until:

a specification, construction method statement and supporting ecological and arboricultural assessment for proposed footpath upgrades where they pass within 15m of ancient woodland or the root protection areas of any other trees;

a protection plan and method statement covering all other avoidance and mitigation measures required to protect wildlife and wildlife habitats during construction, including pre-construction site clearance;

a compensation and enhancement and long-term management plan demonstrating a positive net gain in wildlife value of the site. This may be demonstrated using the Defra Biodiversity Metric calculator (version current at the time of the reserved matters submission) as a proxy measure of improvements;

a lighting plan and ecological assessment to demonstrate that increases in illumination or sources of glare affecting adjacent woodland, tree belts, ponds and other wildlife habitats will be avoided.

The development shall proceed in strict accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason: To prevent loss of, and contribute to a net gain in, biodiversity, in accordance with policies DP37 and DP38 of the Mid Sussex District Plan, and 180 of the NPPF

5. 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 and Policy CDNP06 of the Neighbourhood Plan.

6. 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 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.
- details of measures to control noise or vibration affecting nearby residents; artificial illumination; 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: In the interests of highway safety and to protect the amenity of local residents and to comply with policies DP21, DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

7. Prior to the commencement of construction of any 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 DP37 of the Mid Sussex District Plan 2014 - 2031.

8. No development above slab level shall be carried out unless and until samples/a schedule of materials and finishes to be used for external walls / roofs / fenestration of the proposed buildings and replacement dwelling have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy CDNP06 of the Neighbourhood Plan.

9. No development above slab level shall be carried out unless and until details showing the proposed location of the required fire hydrants shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

Reason: In the interests of amenity and in accordance with policy DP20 of the Mid Sussex District Plan 2014 - 2031 and in accordance with The Fire & Rescue Service Act 2004.

10. No development above slab level shall take place until details of the sustainable design features to be included in the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the buildings are of a sustainable design and to comply with policy DP39 of the Mid Sussex District Plan 2014-2031.

Pre occupation

11. Prior to the occupation of any building subject of this permission, details of proposed screen walls/fences and/or hedges have been submitted to and approved by the Local Planning Authority and no buildings shall be occupied until such screen walls/fences or hedges associated with them have been erected or planted.

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

12. No unit of the development shall be occupied until a Management Plan for that unit, including hours of operation, hours of deliveries, full details of loading/unloading arrangements and any noise mitigation measures, has been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall be implemented in full on occupation of each unit and complied with thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of neighbouring residents and to comply with policies DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

13. Prior to the installation of any external lighting on the site, details of lux levels and times of use together with a report to demonstrate its effect on nearby residential properties shall be submitted to and approved in writing by the Local Planning Authority. It is recommended that the information be provided in a format that demonstrates compliance with the ILP Guidance Notes for the Reduction of Obtrusive Light.

Reason: To protect the amenity of neighbouring residents and to comply with policies DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

14. No part of the development shall be first occupied until such time as a timetable covering the details and construction of the PRoW improvements across the site. The approved works shall thereafter be constructed in accordance with the approved timetable.

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

15. No part of the development shall be first occupied until such time as a timetable covering the construction of the vehicular and non-vehicular accesses serving the development has been submitted to and approved in writing by the Local Planning Authority. The accesses shall thereafter be constructed in accordance with the approved timetable and details shown on the drawing titled Turners Hill Road Proposed Access Layout and numbered JNY10683-02.
- Reason: In the interests of road safety and to comply with policy DP21 of the Mid Sussex District Plan 2014-2031.
16. No unit shall be first occupied until the car parking serving the respective dwelling has been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. Once provided the spaces shall thereafter be retained at all times for their designated purpose.
- Reason: To provide car-parking space for the use and to comply with policy DP21 of the Mid Sussex District Plan 2014-2031.
17. No part of the development shall be first occupied until Electric Vehicle Charging spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.
- Reason: To provide EVC charging points to support the use of electric vehicles in accordance with national sustainable transport policies and to comply with policy DP21 of the Mid Sussex District Plan 2014-2031.
18. No unit shall be first occupied until covered and secure cycle parking spaces serving the respective dwelling have been provided in accordance with plans and details to be 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 comply with policy DP21 of the Mid Sussex District Plan 2014-2031.
19. No buildings 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 District Plan 2014 - 2031
20. Prior to the first occupation of any building forming part of the proposed development the developer will at their own expense install the fire hydrant in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.
- The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

Reason: In the interests of amenity and to accord with policy DP20 in the Mid Sussex Local Plan 2014-2031 and in accordance with The Fire & Rescue Service Act 2004.

Construction phase

21. Works of construction, including the use of plant and machinery, necessary for 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 and to comply with policies DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

22. Deliveries or collection of plant, equipment or materials for use during the construction phases shall be limited to the following times:

Monday to Friday: 08:00 - 18:00 hrs;
Saturday: 09:00 - 13:00 hrs
Sunday & Public/Bank holidays: None permitted

Reason: To protect the amenity of local residents and to comply with policies DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

Operational and post construction phase

23. The commercial site hereby permitted shall only be in operation during the following hours:

Monday-Friday: 08:00 hours -18:00 hours,
Saturdays: 08:00 hours -13:00 hours,
Sundays/bank holidays: No operation

Reason: To protect the amenity of local residents and to comply with policies DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

24. No deliveries or collections of commercial goods or waste outside the following hours:

Mon to Fri: 08:00 to 18:00 hours
Sat: 08:00 to 13:00 hours
Sundays/bank holidays: None permitted

Reason: To protect the amenity of local residents and to comply with policies DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

25. Within three months of the substantial completion of the replacement dwelling on the site, the existing dwelling shall be demolished and the debris removed from the site and the land returned to a condition to be agreed in writing by the LPA.

Reason: To prevent the overdevelopment of the site and in the interests of the visual amenity of the locality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

26. The premises shall be used for Class E (g) (iii) and B8 and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order, 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To ensure that the approved uses, which are appropriate for the site are retained and to comply with policies DP1 and DP14 of the Mid Sussex District Plan 2014 - 2031.

27. At the reserved matters stage, no building shall have a footprint exceeding 840sqm and no building shall exceed 6m in height.

Reason: To preserve the settings of the adjacent listed buildings, to ensure that the buildings provided are of an appropriate size for small businesses and to comply with policies DP1, DP14 and DP34 of the Mid Sussex District Plan 2014-2031.

28. No part of any development, concrete foundations and no construction activities shall be within 5 metres of any drain, watercourse, pond or basin.

Reason: In the interests of protecting the natural environment and to comply with policies DP37 and DP38 of the Mid Sussex District Plan.

INFORMATIVES

1. Cranes

2.

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: lgwcranes@gatwickairport.com

Please note that as from 31st May 2021 crane operators will in the first instance need to notify the Civil Aviation Authority (CAA) of any cranes in the UK that are over 10m in height or taller than the surrounding trees/structures. Notification should be at least 8 weeks before any crane is due on site. For further details please refer to CAP1096 'Guidance to Crane Operators on Aviation Lighting and Notification' available at www.caa.co.uk

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. 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.

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	01	a	09.11.2020
Site Plan	01	b	09.11.2020
Proposed Site Plan	SK 020	D	09.11.2020
Block Plan	SK0303	I	09.11.2020
Survey	07.1	a	03.11.2020
Survey	07.1	b	03.11.2020
Survey	07.1	c	03.11.2020
Survey	07.1	d	03.11.2020
Tree Survey	07.1	e	03.11.2020

APPENDIX B – CONSULTATIONS

Parish Consultation

Object on the following grounds:

- The cycle path mentioned does not exist, it is a footpath.
- The site has had several previous applications refused on appeal, the site being deemed unsustainable by the inspectors.
- We have concerns over increased traffic movements.
- The site was not included in the MSDC DPD as a site of economic development.

Parish Consultation – further comments

Object on the following grounds:

1. There are no satisfactory pedestrian or cycling links between the site and the villages of Copthorne and Crawley Down, which will affect potential employment outcomes. This lack of facility makes the site unsustainable.
2. The highway access to the Turners Hill Rd is considered unsatisfactory for the proposed increased traffic movements. We also question that a 3-fold increase in floor space would only produce a 50% increase in traffic movements. We would also like to know what effect turning left into the site through the morning rush hour queue for the Dukes Head Roundabout, will have on traffic flow at the already over capacity roundabout.
3. There is no declaration within the applicant's text that the " Turn Left Only" on exit to Turners Hill Rd will be retained. We consider that for adequate road safety, this must be retained and enhanced to ensure that no other movement option is available. Turning right with the existing system is a regular occurrence. If you are minded to approve this application, we request that this " Turn Left" arrangement is enforced by a condition.
4. This site has seen several recent applications which have been refused on appeal, the site being considered by the Inspectors to be unsustainable.

County Planning Officer

Summary of Contributions:

Net Population Increase	0.0
Net Parking Spaces	130
Net Commercial Floor Space sqm	6597
Total Access (commercial only)	168.8378
Number of fire hydrants	To be secured under Condition

Total TAD Contribution due

£210,213

Note: The above summary does not include the installation costs of fire hydrants. Where these are required on developments, (quantity as identified above) as required under the Fire Services Act 2004 they will be installed as a planning condition and at direct cost to the developer. Hydrants should be attached to a mains capable of delivering sufficient flow and pressure for fire-fighting as required in the National Guidance Document on the Provision of Water for Fire Fighting 3rd Edition (Appendix 5)

The above contributions are required pursuant to s106 of the Town and Country planning Act 1990 to mitigate the impacts of the subject proposal in terms of demand on Highways and Sustainable Transport that would arise in relation to the proposed development.

Planning obligations requiring the above money is understood to accord with the Secretary of State's policy tests outlined by the in the National Planning Policy Framework, 2019.

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.

All TAD (Total Access Demand) contributions have been calculated in accordance with the stipulated local threshold and the methodology adopted as Supplementary Planning Guidance (SPG) in November 2003.

The calculations have been derived on the basis of an increase in net 6597 sqm of Class B1, B8 floor area, and an additional 130 parking spaces. It is noted that this is an outline application, therefore, the applicant should be made aware that if the measurements of the new development are subsequently amended from the sqm figures provided in the application then our calculations will be revised accordingly.

Please see below for a Breakdown and explanation of the WSCC Contribution Calculators. Also see the attached spreadsheet for the breakdown of the calculation figures. For further explanation please see the Sussex County Council website (<http://www.westsussex.gov.uk/s106>).

Deed of Planning Obligations

- a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.

- b) The deed would provide for payment of the financial contribution upon commencement of the development.
- c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2021. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.
- d) Review of the contribution towards the provision of Transport and Sustainable Infrastructure should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.

The contribution will be spent on managing traffic speeds on the B2028 Turners Hill Road to improve pedestrian and cycle movement and/or the Turners Hill Road Cycle Path.

Recent experience suggests that where a change in contributions required in relation to a development or the necessity for indexation of financial contributions from the proposed development towards the costs of providing service infrastructure is not specifically set out within recommendations approved by committee, applicants are unlikely to agree to such provisions being included in the deed itself. Therefore, it is important that your report and recommendations should cover a possible change in requirements and the need for appropriate indexation arrangements in relation to financial contributions.

Please ensure that applicants and their agents are advised that any alteration to the housing mix, size, parking spaces, nature or tenure, may generate a different contribution requirement and thus require re-assessment of contributions. Such re-assessment should be sought as soon as the altered figures are 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.

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.

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.

Should you require further information in relation to the calculation of the contributions, please see below:

TAD - Total Access Demand

The methodology is based on total access to and from a development. An **Infrastructure Contribution** is required in respect of each occupant or employee provided with a parking space, as they would be more likely to use the road infrastructure. The **Sustainable Transport Contribution** is required in respect of each occupant or employee not provided with a parking space which would be likely to rely on sustainable transport.

TAD = Infrastructure contribution + Sustainable Transport contribution

a) Infrastructure Contribution

Contributions for Infrastructure are determined by the new increase in car parking spaces, multiplied by WSCC's estimated cost of providing transport infrastructure per vehicle Infrastructure cost multiplier. The Infrastructure cost multiplier as at 2020/2021 is £1,450 per parking space.

Infrastructure contributions = Car parking spaces x £1,450

b) Sustainable Transport Contribution

This is derived from the new car parking increase subtracted from the projected increase in occupancy of the development. The sustainable transport contribution increases where the population is greater than the parking provided. The sustainable transport figure is then multiplied by the County Council's estimated costs of providing sustainable transport infrastructure cost multiplier (£724).

Sustainable transport contribution = (net car parking – occupancy) x 724

Note: occupancy is determined by projected rates per dwelling and projected people per commercial floorspace as determined by WSCC.

Highway Authority

Comments received 1st July 2021

I don't think I require anything else as my previous response was no objection subject to this costing secured by S106 and conditions.

Comments received 28th June 2021

It is noted that the costs do not include the following excludes any stat diversion costs, lighting, design fees or local highway fees and as such it is recommended that an optimum bias uplift of 44% is applied to the costing in line with guidance contained within WebTag unit A1.2 Scheme costs.

This would result in a contribution of £52,718 towards mitigation measures at the Dukes Head roundabout.

Comments received 28th May 2021

Since my previous formal response dated 26/1/2021 requesting further information upon

- Stage 1 RSA on revised access arrangements;

- Pedestrian improvements to local bus stops;
- Further / amended junction modelling; and
- Further details/consideration of PROW improvements.

A number of highways technical notes and additional correspondence has been received from the applicant's highways consultant and are available to view online.

Stage 1 RSA

A stage 1 RSA has been undertaken on the site access and identified 1 issue of large vehicle tracking which has been addressed by the provision of vehicle tracking drawings.

Ped Improvements and Modelling

Pedestrian Improvements to include additional footway and tactile paving to support access to the bus stops on the A264 have been identified on plan titled Dukes Head Roundabout Proposed Footway and Crossing Improvements ref JNY10683-04.

Junction modelling has been provided that is acceptable and highlights that without mitigation the development would impact the Dukes Head Roundabout in a future year scenario, as such the applicant has developed a scheme to widen the Turners Hill Road approach and is shown on a plan titled Dukes Head Roundabout Proposed Junction Improvements ref JNY10683-05. Due to other works to be delivered at the junction it would be WSCC preference for the carriageway widening works to be costed and a contribution secured.

PRoW

Details of the PRoW improvements across the site including status and surfacing could be secured via condition.

Conclusion

No objection is raised the application subject to the following s106 and conditions

S106

TBC towards improvements to the Dukes Head Roundabout
Provision of a Travel Plan
£3,500 for Travel Plan Auditing

Conditions:

Details of the PRoW improvements across the site.

Pedestrian Improvement work as shown on plan titled Dukes Head Roundabout Proposed Footway and Crossing Improvements ref JNY10683-04 to be provided prior to occupation.

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

Access (Access to be provided in accordance with agreed timetable)

No part of the development shall be first occupied until such time as a timetable covering

the construction of the vehicular and non-vehicular accesses serving the development has been submitted to and approved in writing by the Local Planning Authority. The accesses shall thereafter be constructed in accordance with the approved timetable and details shown on the drawing titled Turners Hill Road Proposed Access Layout and numbered JNY10683-02.

Reason: In the interests of road safety.

Car parking space (details to be approved - for larger sites)

No dwelling shall be first occupied until the car parking serving the respective dwelling has been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use

EVC Parking Spaces

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

Reason: To provide EVC charging points to support the use of electric vehicles in accordance with national sustainable transport policies

Cycle parking (for larger sites)

No dwelling shall be first occupied until covered and secure cycle parking spaces serving the respective dwelling have been provided in accordance with plans and details to be 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.

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.

INFORMATIVES

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.

Comments received 26th January 2021

Additional Information has been provided in the form of a Technical note dated the 5th of January 2021.

Access

Consideration has been provided the suitability of a ghost right hand turn lane, given the comments of the safety audit and junction modelling provided it is accepted that the priority junction with banned right-hand turn is acceptable. In order to address the enforcement of the banned right hand turn, a potential improvement is shown in plan ref Proposed Access Layout and numbered JNY 10683-02. The improvement includes extending the centre island further into the site and providing additional signage. Vehicle tracking has been provided to confirm HGVs can still access the site. A revised stage 1 Road Safety Audit should be undertaken on the amended proposals.

Visibility splays have been included within the plan in keeping with recorded 85th% speeds and vehicle tracking provided.

Ped/Cycle route

It has been confirmed that no improvements would be made to the north of the site however rights do exist that would enable pedestrians to access the westbound bus stop. Given the distances to local settlements and highway conditions it is unlikely significant flows of pedestrians and cyclists would access the site therefore improving the links to the local bus stops would be seen as key to enable the site to meet NPPF Policy 108 a "appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;"

The TN acknowledges the role PT will play in reducing single occupancy journeys to the site. Whilst the proposal will be to encourage more walking and cycling to/from the site, the number of employees likely to do this is considered to be relatively low and the aim will be to encourage employees to use public transport and care share reducing single occupancy vehicle use.

Thus improvements should be identified to support access to the eastbound/southbound stops.

The upgrade of the PROW across the site to provide cyclist rights provides a link in isolation with no details on the suitability of links towards Copthorne (which do not have cyclists proposed and are outside the control of the applicant). Towards Crawley Down dropped kerbs would be provided to enable cyclist to join the carriageway. Additional internal links to the route maybe required to reduce travel times across the site to encourage use of the southern link.

Trip Distribution

From the distribution provided within the TA (replicated below)

Table 5.2: Trip Distribution

Destination	Distribution
Copthorne Village (Borers Arms Road)	10%
B2037 Burstow / Horley / Shipley Bridge	10%
B2028 Newchapel / A22 North	10%
A264 East Grinstead	15%
B2028 Crawley Down / Haywards Heath	15%
A2220 Crawley	20%
A2011 Crawley / Horsham / Gatwick/ London	20%
Total	100%

50% of vehicles would travel west of the site along the A264 (Total 42). 20% of these would utilise the Boers Arm junction towards Copthorne leaving 34 trips impacting the A264/A220 junction, therefore, junction modelling of the additional junction is required.

Junction Modelling

The site access modelling indicates the site access would operate well within capacity. The Dukes Head junction modelling provided is based upon the committed improvement scheme secured via 13/04127/OUTES. It does not appear that the arm capacity has been included within the modelling provided as part of this application and should be done so.

Travel Plan

Comments on the TP will be provided separately

Conclusion

Additional Information is required to assess the application:

- Stage 1 RSA on revised access arrangements;
- Pedestrian improvements to local bus stops;
- Further / amended junction modelling; and
- Further details/consideration of PROW improvements

Comments received 2nd December 2020

The application is for the expansion of 7,310m² of commercial space at Barns Court Industrial Estate, Turners Hill Road.

The site is located to the south of the Dukes Head Roundabout and formed part of a planning application ref DM/15/3975 which was refused and dismissed at appeal. Subsequent planning applications for the residential element at Firs Farm, north of the site have also been refused, withdrawn or dismissed at appeal.

Pre application advice was provided in August 2020. I do acknowledge that some of the advice provided does not align with the further information requested within this formal response and I am happy to discuss the contents below with the applicant/transport consultant.

Access

It is proposed to utilise the existing site access onto Turners Hill Road where the right hand turn is banded due to visibility constraints. WSCC raised concerns about the intensification of the site access as part of application ref DM/15/375 and are noted below:

The proposed Turners Hill Road commercial access is currently substandard and lacks adequate visibility in both directions. The access has also been constructed to prevent the right turn out and currently serves a number of low-key business uses, mainly in converted chicken sheds. These uses comprise a glazing company, a sign company, a fancy dress hire, a car care supplier, CSTS, an interior blind company and a dental lab. It is proposed to demolish the existing units comprising 1,500sq.m and erect new purpose-built business units of 6,000sq.m all served by the existing access. This would result in both a significant increase in floor space and intensification of the substandard access onto a classified road.

As the speed limit of Turners Hill Road is 40mph, TD/42/95 visibility standards of 4.5m x 120m are required, although this can be reduced to 2.4m x 120m to preserve existing important landscaping features, such as mature trees. The longer distance must be measured along the nearside kerb line and tangential to the major road. Depending on the nature of the commercial floor space, WSCC is also of the view that the increase in traffic using this access may well be sufficiently high to warrant its upgrading to provide a right turn ghost lane to ensure that right turning traffic does not impede the free flow of traffic on Turners Hill Road. This, again, is set out in TD/42/95 (Para 2.16) which indicates that where minor road two-way traffic flows exceed 500 movements per day and major road flows exceed 13,000 per day, the provision of a right turn ghost island should always be considered. With potentially up to 200 parking spaces being required for the commercial development and unknown occupiers, this 500 movement figure could well be exceeded.

There would certainly be greater interruptions to the traffic flow along the busy Turners Hill Road than there is at present and all traffic exiting the site would also have to U-turn at the Dukes Head roundabout, where there are already capacity issues, in order to head back south. This just increases the journey time and delays and even the applicant's safety auditors noted when on site that two drivers ignored the left turn requirement and turned right out of the access at the time of their inspection. It is WSCC's view that provision should be made for a proper all-movements junction with right turning lane to serve the proposed purpose-built commercial estate rather than intensify the existing access which is compromised and clearly designed to accommodate the change of use of existing agricultural buildings to lowkey commercial uses.

WSCC has reviewed the current access arrangement for the commercial site and it does not meet appropriate design standards. The proposed threefold increase in floor space proposed in purpose built commercial units would therefore result in the intensification of a substandard access to the detriment of highway safety.

Therefore additional detail is required to assess the suitability of the existing access to accommodate the intensification of use and consider alternative design options. (note design guidance references have been updated since this application).

A stage 1 RSA has been undertaken on the site access and no issues raised, however comments have been made by the auditor regarding maintenance, stats, drainage and

visibility. Previous safety audits undertaken and counts identify that vehicles do currently turn right out of the site and as such further measures should be investigated.
Sustainable Transport

A connection is to be provided through the Firs Farm site to the A264 allowing access to the westbound bus stop, no details have been provided as to the type of link or any improvements for pedestrians to access the eastbound bus stop. Through previous applications and appeal decisions, it is unlikely that people would walk or cycle from Copthorne or Crawley Down to the site due to the volume and speeds of traffic and inadequate existing facilities.

It is proposed to provide a 2m wide shared footway/cycleway to the south of the site linking to Turners Hill Road. Further consideration of the width of the provision should be provided in line with LTN1/20. Figure 3 shows the provision of section of footway on the west side of Turners Hill Road and visibility splays shown in keeping with a 40mph limit. However speed surveys (or historical speed surveys should be utilised). Application ref DM/17/1490 provided such a survey and indicates 85th% speeds of 46.3mph northbound and 42.9mph southbound.

No information has been provided to how cyclists would rejoin the carriageway or consideration of the route towards Crawley Down in line with previous inspectors comments.

A stage 1 RSA has been undertaken on the improvements and 1 issue raised, A designers response in line with GG119 Appendix F requirements should be provided to allow for WSCC input (in word format).

Trip Generation

Trip rates have been reused from the DM/15/3975 application, This would result in an additional 91 AM peak trips and 61 PM peak trips (over and above the existing consents).

Trips have been distributed according to existing staff surveyed as part of the 2015 application and assigned accordingly. It is noted that the impact of the development may result in further trips outside the shown distribution area (to the West) and as such the scope of junctions included within the assignment diagrams should be expanded and agreed with WSCC (and possibly Highways England).

Junction Modelling

Junction Modelling has been provided for the site access and the Dukes Head Roundabout. As per the above assignment comments further junctions may require modelling.

Scenarios

2021 and 2025 scenarios have been provided, however as the site is not allocated within the local plan then an end of local plan scenario should be provided. Vehicle delays should also be presented within the tables.

Ashdown Forest Impact

The applicants trip assignment indicates approximately 7 additional trips per day would travel through the Ashdown Forest (2% of 360).

Layout

Vehicle tracking would be required as part of any future reserved matters application.

Parking

Parking is to be provided in excess of WSCC guidance with 231 spaces of which 20% will be include active charging points. 14 motorcycle and 18 HGV spaces are also to be provided.

A total of 33 Sheffield stands are to be provided to allow 66 cycle parking spaces.

The travel plan should be developed in line with WSCC Workplace Travel Plan Guidance and include the headline target of a 10% reduction in 12hr weekday vehicle Trips, Monitoring should also be undertaken according to TRICS SAM.

Given the level of parking to be provided in excess of WSCC requirements concerns would be raised about the effectiveness of the measures proposed within the Travel Plan to bring about a 10% reduction.

Conclusion

The following further information is required:

- Consideration of provision of alternative access solutions;
- Investigation of measures to enforce the right-hand turn ban;
- Wider distribution/assignment diagrams and possibly further junctions to be modelled;
- 2031 scenario junction modelling;
- Provision of ped vis splay in line with recorded speeds;
- GG119 Appendix F compliant designers' response (in word format directly to me);
and
- Revised Travel Plan.

WSCC 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
<p>Comments: Current surface water mapping shows that 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. Ground water contamination and Source Protection Zones.</p> <p>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>	
Watercourses nearby?	Yes
<p>Comments: Current Ordnance Survey mapping shows an Ordinary Watercourse running 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 surface water flooding within the site?	No
Comments: We do not have any records of historic surface water flooding within the confines of the proposed site. This should not be taken that the site itself has never suffered from flooding, only that it has never been reported to the LLFA.	

Future development - Sustainable Drainage Systems (SuDS)

The FRA for this application proposes that sustainable drainage techniques (permeable paving/attenuation) would be used to control the surface water from this development.

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.

WSCC Fire and Rescue Service

RECOMMENDATION

Advice:	<input checked="" type="checkbox"/>	Modification:	<input type="checkbox"/>	More Information:	<input type="checkbox"/>
Objection:	<input type="checkbox"/>	No Objection:	<input type="checkbox"/>	Refusal:	<input type="checkbox"/>
Total number of hydrants required		<input type="text" value="1"/>			

This application has been dealt with in accordance with the statutory obligation placed upon Fire and Rescue Service by the following act;

***Fire and Rescue Services Act 2004
Part 5, 38: Duty to secure water supply etc.***

- 1) *A fire and rescue authority must take all reasonable measures for securing that an adequate supply of water will be available for the authority's use in the event of fire.*

This proposal has been considered by means of desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC mapping and Fire and Rescue Service information. A site visit can be arranged on request.

I refer to your consultation in respect of the above planning application and would provide the following comments:

- 1) Prior to the commencement of the development details showing the proposed location of [1] one fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local

Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.

- 2) Prior to the first occupation of any dwelling/unit forming part of the proposed development that they will at their own expense install the fire hydrant (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

As part of the Building Regulations 2004, adequate access for firefighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly in very large developments. (BS5588 Part B 5) for further information please contact the Fire and Rescue Service.

If a requirement for additional water supply is identified by the Fire and Rescue Service and is subsequently not supplied, there is an increased risk for the Service to control a potential fire. It is therefore recommended that the hydrant condition is implemented.

Reason: In the interests of amenity and in accordance with Mid Sussex District Plan (2014 - 2031) Key Policies DP18 and DP19 and in accordance with The Fire & Rescue Service Act 2004.

Environment Agency

Thank you for consulting the Environment Agency on the above application.

Environment Agency Position

We have no objection to the proposed development as submitted, subject to the inclusion of the following 2 conditions, in any permission granted.

We consider that planning permission could be granted to the proposed development, as submitted, if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Condition 1

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework.

Condition 2

No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework

Advice to Local Planning Authority/Applicant

Only clean uncontaminated water should drain to the surface water system. Roof drainage should drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground and there must be no direct discharge to groundwater, a controlled water.

It is understood that all foul drainage will be discharged to the mains sewer. We welcome this but would should be re-consulted if these plans change.

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

Southern Water

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

To make an application visit: www.developerservices.southernwater.co.uk and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link: www.southernwater.co.uk/developing-building/connection-charging-arrangements

Note: It should be noted that downstream from MH TQ33392101 is owned and maintained by Thames Water including the treatment works. Therefore, Thames Water should be contacted to discuss the downstream network.

The supporting documents make reference to drainage using Sustainable 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 Design and Construction Guidance (Appendix C) and CIRIA guidance available here:

www.water.org.uk/sewerage-sector-guidance-approved-documents/
www.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.

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 the Design and Construction Guidance 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.

The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

In determining the application, we ask that the Planning Authority take into account the provisions of Paragraphs 180, 182 and 183 of the National Planning Policy Framework (NPPF) regarding the proposed location of development in relation to existing uses that may be a source of pollution (in terms of odour). We apply a precautionary buffer zone for any development located within 500 meters of the boundary of a WWTW. The proposed development is located approximately 155 meters from the Copthorne Wastewater Treatment Works, and as such we have applied this requirement to our planning consultation response.

Due to the potential odour nuisance from a Wastewater Treatment Works, no sensitive development should be located within the 1.5 OdU odour contour of the WWTW. An Odour Assessment will need to be carried out by a specialist consultant employed by the developer to a specification that will need to be agreed in advance with Southern Water to identify and agree the 1.5 OdU contour.

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

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.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: www.southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

Public Rights of Way Officer

Further to reviewing the documents they correctly recognise that public footpath 27W runs within the development site along the south western boundary from the B2028 north west toward Pembley Farm.

This path has become difficult for lawful path users due to it being narrowed by the erection of fencing some time ago so it is welcomed that the applicant wishes to widen this to 2m and improve the surface. It is mentioned in the Design and Access Statement that the path will be widened to 2m and made into a walking and cycling route, along with the introduction of a new length along the western boundary of the proposed site and then north onto Copthorne Common Road. This improvement would of course be welcomed but there are some important points to make here.

Firstly it needs to be clarified whether this would be for the general public to exercise these rights or this route would only be open to those exercising a private right. If only for those exercising a private right of access to the site then it must be clear to the applicant that public rights of access take precedent over private cycling rights and secondly any damage done to the surface in exercise of this private right would be the landowners responsibility to make good.

If however the proposal is to install a walking and cycling route for the general public then the required width would be at least 3m to accommodate the various different types of users and ideally we would prefer to see the route upgraded to a Bridleway allowing walkers, horse riders and cyclists. This can be discussed at a later stage but whichever option was decided on the width would still have to be increased for us to accept the change from a PROW perspective. The increase of status can be achieved through the landowner entering into an agreement under s.25 of the Highways Act and the landowner would need to approach WSCC's Public Rights of Way (PROW) team to discuss the process involved. It is worth noting that some of the proposed upgraded route appears to be outside the applicants ownership so for this route to be completed up to Copthorne Common Road agreement to upgrade would also have to be provided by other landowners affected and they would also need to enter into a s.25 Agreement.

Other than that there are some general principles to consider with the existing public footpath within the site boundary. At no stage should the route be blocked or obstructed without a legal closure that can be sought from WSCC's PROW Team. This comes at a cost and can be applied for through the County Councils website. If the route can be left open during the majority of the proposed development this would be preferable but it would be for the applicant to manage the risk and if not considered safe to keep it open then a closure must be sought.

No new structures can be introduced onto any public rights of way without first seeking consent from the PROW team. Acceptance of any planning application does not qualify for permission to erect any new gates and stiles etc. that may restrict lawful public users.

In terms of any new surface proposed on the existing or new PROW then we would require any specification to be agreed with WSCC's PROW team before works start, in our role as Highways Authority.

Aerodrome Safeguarding

Thank you for your email/letter dated 16 November 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 conditions detailed below:

Submission of a Bird Hazard Management Plan

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of:

- Monitoring of any standing water within the site temporary or permanent
- Management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds.

The Bird Hazard Management Plan shall be implemented as approved and shall remain in force for the life of the ponds/development. 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 site in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Gatwick Airport.

Please find a draft bird hazard management plan attached, if the applicant is in agreement, the methods of dispersal need to be completed where indicated in red and it needs to be signed and dated and submitted to yourselves pursuant to the above mentioned condition.

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
- Details of any alterations/enhancements to the ponds
- Details of any aquatic/marginal planting

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 conditions are 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: lgwcranes@gatwickairport.com

Please note that as from 31st May 2021 crane operators will in the first instance need to notify the Civil Aviation Authority (CAA) of any cranes in the UK that are over 10m in height or taller than the surrounding trees/structures. Notification should be at least 8 weeks before any crane is due on site. For further details please refer to CAP1096 'Guidance to Crane Operators on Aviation Lighting and Notification' available at www.caa.co.uk

As the application is for outline approval, it is important that Gatwick Airport Limited is consulted on all Reserved Matters relating to siting and design, external appearance and landscaping.

It is important that the conditions requested in this response are 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.

No objection

Environmental Protection Officer

This application seeks to allow expansion of the current commercial site, replacing some commercial units and an existing residential dwelling. Given that the end users of these proposed units are unknown, it is impossible to predict with any certainty how commercial activity on site will affect local residents. I therefore recommend a condition which requires each unit to provide a management plan before it is occupied in order to ensure that the amenity of local residents is not adversely affected in terms of noise from commercial activity. I have recommended a further condition to restrict the hours of operation for the proposed site. I have no objection to this application provided that the following recommended conditions are applied to any permission granted.

Conditions:

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 measures to control noise or vibration affecting nearby residents; artificial illumination; 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.

Construction hours: Works of construction, including the use of plant and machinery, necessary for 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.

Deliveries (construction phase): Deliveries or collection of plant, equipment or materials for use during the construction phases shall be limited to the following times:

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

Saturday: 09:00 - 13:00 hrs

Sunday & Public/Bank holidays: None permitted

Reason: To protect the amenity of local residents.

Hours of use: The commercial site hereby permitted shall only be in operation during the following hours:

Monday-Friday: 08:00 hours -18:00 hours,

Saturdays 08:00 hours -13:00 hours,

Sundays/bank holidays no operation

Reason: To protect the amenity of local residents

Deliveries and collections (operational phase): No deliveries or collections of commercial goods or waste outside the following hours:

Mon to Fri 08:00 to 18:00 hours

Sat 08:00 to 13:00 hours

Sundays/bank holidays none permitted

Reason: To protect the amenity of local residents.

Commercial noise: No unit of the development shall be occupied until a Management Plan for that unit, including hours of operation, hours of deliveries, full details of loading/unloading arrangements and any noise mitigation measures, has been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall be implemented in full on occupation of each unit and complied with thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of neighbouring residents

Lighting: Prior to the installation of any external lighting on the site, details of lux levels and times of use together with a report to demonstrate its effect on nearby residential properties shall be submitted to and approved in writing by the Local Planning Authority. It is

recommended that the information be provided in a format that demonstrates compliance with the ILP Guidance Notes for the Reduction of Obtrusive Light.

Reason: To protect the amenity of neighbouring residents

Informative:

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:

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

Conservation Officer

The Firs

The Firs is a Grade II listed mid-19th century house located on the junction of Turners Hill Road and Copthorne Common Road. The house is a fairly substantial detached villa in the Classical style typical of the period. When first built, the house stood in a largely rural setting outside the hamlet of Copthorne Common. The building is likely to possess historical evidential and illustrative value as a good example of a mid-19th century Classical villa, which is also demonstrative of the original owner's desire for fashionable living in a bucolic setting. It will also hold aesthetic value. The building is well screened from both roads by dense vegetation along the road frontages.

The surviving rural setting of The Firs, which is the broader setting to the west and south of the asset, makes a modest positive contribution to the manner in which the special interest of the asset is appreciated, in particular those parts of this interest which are drawn from its illustrative historical and aesthetic values. This contribution is reduced by the existing development around the building and by the degree of screening along the road frontages of the asset itself.

The application site is a short distance to the south of The Firs, separated from it by a further house and telephone exchange building.

Although there is some screening along the Turners Hill Road boundary of the site provided by trees and other vegetation, this is of varying density and allows views into the site at various points along its length particularly in winter, in which the open and undeveloped nature of the northern and southern ends of the site can be appreciated. These parts of the site retain something of its original rural character. The current proposal would have a significant impact on the character of these currently open areas of the site by the introduction of substantial built form.

The proposal would therefore have some impact on the wider setting of The Firs, including the approach to it along Turners Hill Road, by a reduction in the rural nature of that setting. This would result in a degree of harm to the contribution that setting makes to the special interest of the listed building and the manner in which this is appreciated, contrary to the requirements of District Plan Policy DP34. In terms of the NPPF I would place this harm at the lower end of the less than substantial scale.

Poplar Place, barn and granary

The similar dates of construction of the house and barn, and the agricultural nature of two of these assets, would suggest that this group of buildings began as farmhouse and farmstead,

although by the mid-late 19th century historical mapping would suggest that the farmhouse had become a polite country residence, with gardens laid out around it, and known as The Poplars. The origins and development of this group of assets should be considered in more detail by a Heritage Statement, however I would assume that the house would be considered to possess historical evidential and illustrative values as a good example of an 18th century farmhouse, later country residence, demonstrating changing socio-economic conditions and the needs and aspirations of its owners, as well as aesthetic value. The barn and granary would be likely to be considered to possess historical evidential and illustrative values as good examples of specific types of agricultural buildings of the 18th century, as well as fortuitous aesthetic value based partly on the use of vernacular materials within the rural setting from which they were drawn. All three buildings will also possess group value as constituent elements of a historic farmstead.

The surviving rural setting of these assets, to the west, east and south, makes a strong positive contribution to their special interests and to the manner in which this is appreciated, in particular those parts of these special interests drawn from historical illustrative and aesthetic values. The site, the undeveloped northern end of which is directly opposite Poplars Place, forms part of this setting.

As above, the screening along the Turners Hill Road boundary of the site is partial, especially in winter, and the proposed new built form would be likely to have an impact on views into its northern and southern parts. The proposed development site is directly opposite the assets at Poplars Place and new built form on it will detract from the currently positive impact that this part of the site has on the setting of the assets. The broader development will also impact on the character of the approach to Poplars Place along Turners Hill Road from the south.

This will result in a degree of harm to the contribution that setting makes to the special interest of the listed building and the manner in which this is appreciated, contrary to the requirements of District Plan Policy DP34. In terms of the NPPF I would place this harm at the mid-point of the less than substantial scale.

Shepherds Farm

Shepherds Farm would be considered to possess historical evidential and illustrative value as a good example of an early 19th century farmhouse, altered and extended over time in response to changes in socio-economic conditions and the needs and aspirations of its owners. It also possesses aesthetic value, and group value with the former dairy building to the west, which would be regarded as a non-designated heritage asset. Historical map regression shows the evolution of the farmstead which was modestly sized, with the farmhouse and 'dairy' being the largest buildings within it, encompassed within a shifting pattern of yards and other, smaller buildings including pig sties. The Shepherds Farm farmstead is recorded in the West Sussex Historic Farmstead and Landscape Character assessment as historic farmstead of the post medieval period.

The surviving rural setting of the listed former farmhouse and its farmstead would be considered to make a strong positive contribution to the special interest of the listed building and the manner in which this is appreciated, as well as the historic farmstead including the NDHA.

Shepherds Farm is located directly opposite the southern end of the site and is also opposite the point at which the PROW running along the western boundary of the site meets Turners Hill Road. At this point on the road frontage the screening is relatively weak, and there are fairly clear views into the site, although direct intervisibility would be limited by the screening along the boundary of the gardens to Shepherds Farm.

As above, the proposed development will have a significant impact on the character of the site and in particular the currently undeveloped northern and southern ends. This will detract from the currently positive contribution which the southern end of the site in particular makes to the setting of Shepherds Farm, including the approaches to it along Turners Hill Road from the north and along the above mentioned PROW. This will be contrary to the requirements of District Plan Policy DP34. In terms of the NPPF I would consider the harm caused to the listed building by setting to be less than substantial, at the mid-point of that scale. In relation to the NDHA the proposal would cause a medium level of harm to an asset of a moderate level of interest within the local context.

In summary the proposed development causes a degree of harm to a number of heritage assets through setting.

Ecological Consultant

Recommendation

Acceptability of the proposed footpath upgrade, within 15m of ancient woodland, would depend on an appropriate low impact design utilising a no-dig construction specification to protect tree roots and associated soil ecology and a suitable surfacing that will avoid any leachates that could harm the woodland ecology (as well as meeting aesthetic considerations to maintain a naturalistic character to the route). There may also be issues where the upgrades pass through root zones of other non-ancient woodland trees that will need to be addressed so I have included these in the proposed condition below, but this is obviously subject to the advice from the council's tree officer.

The proposal will involve the loss of a bat roost, but this has been assessed to be of relatively low conservation significance by a relatively common species. Therefore, subject to the MSDC being of the view that in all other regards, planning consent is considered to be in the public interest and detailed consent subsequently granted, and subject to the outlined mitigation and compensation measures, I would expect a licence to be obtainable from Natural England.

There will be some loss of habitat that is of localised biodiversity value and whilst this is not considered to be of sufficient conservation significance to warrant refusal, its loss should be compensated for and efforts made with the detailed proposals to offer a net gain in wildlife habitat in accordance with local and national policy.

If outline consent is granted, I would recommend that a condition requiring the following details be submitted as part of the reserved matters application:

a specification, construction method statement and supporting ecological and arboricultural assessment for proposed footpath upgrades where they pass within 15m of ancient woodland or the root protection areas of any other trees;

a protection plan and method statement covering all other avoidance and mitigation measures required to protect wildlife and wildlife habitats during construction, including pre-construction site clearance;

a compensation and enhancement and long-term management plan demonstrating a positive net gain in wildlife value of the site. This may be demonstrated using the Defra Biodiversity Metric calculator (version current at the time of the reserved matters submission) as a proxy measure of improvements;

a lighting plan and ecological assessment to demonstrate that increases in illumination or sources of glare affecting adjacent woodland, tree belts, ponds and other wildlife habitats will be avoided.

The development shall proceed in strict accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason: To prevent loss of, and contribute to a net gain in, biodiversity, in accordance with policies DP37 and DP38 of the Mid Sussex District Plan, and 175 of the NPPF.

Tree Officer

Whilst this is an outline application, an AIA has been submitted in draft form as part of the application. Existing trees on site are detailed. Obviously, as part of any reserved matters application, this would require to be further detailed and an AMS and tree protection plan should be submitted.

I have no objections to the scheme in principal, however, I note that the footpath is impacted by mature trees and there are plans to widen/improve it. Where possible, the footpath should seek to avoid RPAs and details will be required of proposed surfacing which may require no dig solutions, and other construction details.

A landscape and planting plan has not been submitted as part of the application but this should form part of any reserved matters application. Adopted policy DP37 favours native trees.

I do not have objections to the removal of the leylandii from within the site, however boundary trees are very important within the site and there is scope to supplement this planting and provide additional trees/screening. I note there is a recognition of the need to increase the landscape buffer of the site with Turners Hill Road.

I note 6 mature/semi mature trees will have impacts within their RPAs. Again, further details are required if the application is approved.

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MID SUSSEX DISTRICT COUNCIL

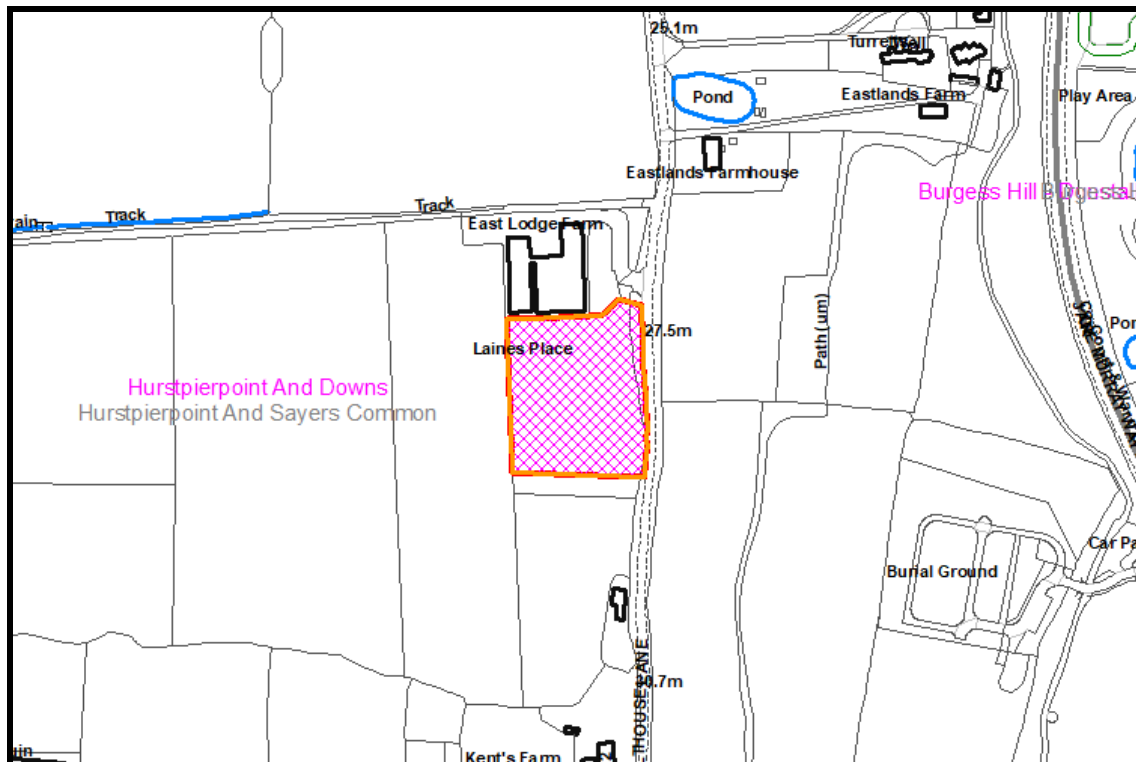
District Wide Committee

16 SEP 2021

RECOMMENDED FOR PERMISSION

Hurstpierpoint And Sayers Common

DM/21/1118



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EAST LODGE FARM MALHOUSE LANE HURSTPIERPOINT WEST SUSSEX

ERECTION OF CLASS E(G) BUILDING TO INCLUDE A MIX OF OFFICE, RESEARCH AND DEVELOPMENT AND INDUSTRIAL PROCESSES WITH CARPARK, NEW VEHICLE ACCESS ONTO MALHOUSE LANE AND ASSOCIATED LANDSCAPING. 'CORRECTED PRELIMINARY ECOLOGICAL APPRAISAL RECEIVED 29 JUNE 2021.'

MS CLAUDIA REES

POLICY: Area of Special Control of Adverts / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Methane Gas Safeguarding / Aerodrome Safeguarding (CAA) / Minerals Local Plan Safeguarding (WSCC) /

ODPM CODE: Smallscale Major Offices

13 WEEK DATE: 15th July 2021

WARD MEMBERS: Cllr Colin Trumble / Cllr Alison Bennett / Cllr Rodney Jackson /

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 the construction of a building to be used for business use together with associated car parking, vehicular access and landscaping at East Lodge Farm, Malthouse Lane, Hurstpierpoint.

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development 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.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan (DP) and the Hurstpierpoint and Sayers Common Neighbourhood Plan (HSCNP).

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

The site lies in the countryside as defined in the DP and so that starting point for assessing the application is policy DP12 of the DP. This seeks to protect the character of the countryside by ensuring that proposals maintain or enhance the quality of the rural character of the District and they are supported by a specific policy reference elsewhere in the DP or a neighbourhood Plan. Policy Hurst C1 in the Hurstpierpoint and Sayers Common Neighbourhood Plan (HSCNP) has similar aims. Policy DP14 in the DP allows for new small scale economic development in the countryside.

It is a material planning consideration that there are two extant planning permissions on this site for a redevelopment to provide a building containing B1 business floor space. The fact that these consents could be implemented is a fall-back position for the applicants. It is relevant that the fallback position is for a business building of a similar scale to the current proposal, which was predicted to generate a similar amount of vehicular movements to the current proposal.

It is considered that whilst the proposal would change the character of this part of the countryside compared to the current situation, given the fact that there is an extant planning permission on the site, that the building would be well designed and landscaped, it is not felt that there would be harm to the countryside from this development. As such there is support for the principle of the development in policies DP12 and DP14 of the DP and policy Hurst C1 in the HSCNP.

The building would impact upon the setting of a listed building at Kents Farmhouse. By virtue of developing a site that is currently open it is considered that the proposal would have an adverse impact on the setting of this listed building and this would be less than substantial as defined in the NPPF. As such there would be a conflict with policy DP34 of the DP. It is the case that within the bracket of 'less than substantial harm, there is range of impacts. In this case it is considered that the harm to the setting of the listed building lies at the lower end of the scale. In accordance with section 66 Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA) 1990 - significant weight should be attached to that less than substantial harm that arises from this impact. However, that does not mean that any harm, however minor, necessarily requires planning permission to be refused. As set out in paragraph 202 of the NPPF, the considerable weight attached to the less than substantial harm needs to be weighed against the public benefits of the proposal.

It is considered that there are important public benefits that need to be weighed in the planning balance required under paragraph 202 of the NPPF. The scheme would provide a good quality building that would provide high quality employment floorspace. The applicants indicate that 31 people would be employed on the site in high quality jobs. This will provide an economic benefit to the local economy. It is your Planning Officers view that these economic benefits should be afforded significant weight

The scheme would conflict with policy DP34 in the DP as there would be harm to the setting of the listed building at Kents Farm. In your Planning Officers view this harm falls within the category of less than substantial as defined in the NPPF. In order to properly reflect the statutory presumption in the PLBCAA Act 1990 this less than substantial harm should be given significant weight in the planning balance. As such this harm to the setting of the listed building weighs against the application.

It is your Planning Officers view that there are important economic benefits that would arise from this application. The provision of this building would deliver high quality commercial floorspace that would deliver high quality jobs. This would accord with the aims of policy DP1 in the DP, which refers to *'encouraging inward investment, especially the location, promotion and expansion of clusters or networks of knowledge, creative or high technology industries.'* It is considered that these

benefits should be given significant weight in the planning balance and that these benefits outweigh the less than substantial harm to the setting of Kents Farmhouse.

It is considered that the proposed access to the site is satisfactory and that there will not be a severe impact on the local highway network, which is the test in policy DP21 and the NPPF. There are no objections from the Highway Authority to the proposal. As such there are no grounds to resist the application based on highways matters.

The site can be satisfactorily drained and there are no objections from your Drainage Engineers or WSCC as the Lead Local Flood Authority.

To conclude, whilst there would be conflict with policy DP34, it is felt that given the compliance with other policies identified in this report it is considered that the proposal complies with the development plan when read as a whole, which is the proper basis for decision making. In light of the above the application is recommended for approval.

RECOMMENDATION

It is recommended that planning permission be granted subject to the conditions set out in Appendix A.

SUMMARY OF REPRESENTATIONS

92 letters of objection:

- the proposal is contrary to policies DP1, DP12, DP21, DP26 in the District Plan and Neighbourhood Plan as this site is in the countryside and is not allocated for industrial development
- there is no need for the development to be located in the countryside, it should be located in an industrial estate
- is there a need for development when so many people are now working from home?
- will have an adverse impact on the character of the area
- will cause a highway safety hazard with additional vehicles on the road
- there are no public transport options to access the site
- Malthouse Lane is entirely unsuitable for this development
- will cause a conflict with horse riders who use this road
- will have an adverse impact on ecology and wildlife
- will erode the strategic gap between Burgess Hill and Hurstpierpoint
- will set a precedent for further development in the countryside
- ecological report submitted with the application is inaccurate and cannot be relied upon
- ecological surveys were undertaken at the wrong time of year
- will cause noise and disturbance to existing residents
- economic benefits will be minimal as the proposal involves economic activity moving from other parts of Sussex
- Malthouse Lane suffers from drainage problems

- proposal would be next to a battery storage facility and this presents a risk to occupiers of the building in the event of a fire at the battery storage site
- a research laboratory on the site could attract public disorder
- the site would be used to store hazardous materials
- There should be a condition regarding both construction traffic and deliveries, prohibiting HGV traffic using College Lane for access and egress at any time. A traffic management plan during the construction period should be provided.
- The applicant is seeking consent for hours of use Monday to Friday only. There should be a condition prohibiting construction traffic and deliveries on Sundays and Bank holidays
- will cause light pollution
- we believe that if the site is to be developed a much smaller development, more in keeping with the character of the Lane and less likely to increase traffic volumes, would be more appropriate
- will harm the setting of a listed building
- will adversely affect livery yards

1 letter of support:

- This is a well-considered scheme providing an excellent use of redundant land and giving a respected local company the resources they need to continue to support business in Mid Sussex.

SUMMARY OF CONSULTEES

Highway Authority

No objection subject to conditions

WSSC Lead Local Flood Authority

No objections

WSSC Water and Access Manager

Requests a condition regarding the provision of a fire hydrant

Archaeological Officer

I would prefer an Archaeological Desk Based Assessment to be submitted with the application. In the absence of this I would recommend that an appropriate and proportionate level of archaeological work would be a programme of archaeological monitoring to be carried out as the development proceeds

Ecological Consultant

Recommends conditions regarding clearance of the site under a watching brief and a condition regarding the removal of hedgerows

Mid Sussex Drainage Engineer

No objection subject to the drainage being implemented as per the details submitted

Environmental Health Officer

No objection subject to conditions

Contaminated Land Officer

No objection subject to conditions

Conservation Officer

Development of this nature would have a fundamental impact on the site's currently open and rural nature, and would remove the positive contribution which it currently makes to the setting of Kent's Farm, including the largely rural character of the approach to the historic farmstead travelling south along Malthouse Lane. The impact of the proposed development would be exacerbated by its scale, bulk, design and materials, which are unsympathetic to the rural location. For these reasons I consider that the proposal will be harmful to the setting and special interest of Kent's Farm House and the associated historic farmstead.

This would be contrary to the requirements of District Plan Policy DP34. In terms of the NPPF I would consider the harm caused to the heritage assets to be less than substantial, such that the criteria set out in paragraph 196 of that document would apply.

Urban Designer

No objection subject to conditions regarding details of the external elevations, materials and landscaping.

Tree Officer

Whilst the loss of the mature oak category A is regrettable, nevertheless there is significant mitigation planting. I would request a condition regarding the proposed landscaping.

PARISH COUNCIL OBSERVATIONS

Original comments received 10 May 2021: Permission is granted. Subject to the conditions proposed by MSDC and no further development on the site.

Additional comments received 3 August 2021: Recommendation is deferred due to inaccurate Ecological Report submitted, awaiting correct report and a response from MSDC Ecological Consultant.

INTRODUCTION

This application seeks planning permission for the construction of a building to be used for business use together with associated car parking, vehicular access and landscaping at East Lodge Farm, Malthouse Lane, Hurstpierpoint.

RELEVANT PLANNING HISTORY

Planning permission was granted in December 2007 under reference 07/03319/FUL for the demolition of existing disused chicken coop, removal of existing portacabin construction of new building to create new B1 floorspace, new carpark and associated landscaping. The buildings that used to occupy the site were subsequently demolished and the site was cleared.

A subsequent application for a lawful development certificate (LDC), reference DM/17/4445 was approved in January 2018. This LDC established that the 2007 planning consent (reference 07/03319/FUL) was still extant and could be implemented as works had commenced to implement it within the time limit of that permission. As such the fact that the 2007 consent could still be implemented is a fall-back position and is a material planning consideration.

Following on from this, planning permission was granted on 6th September 2019 under reference number DM/18/4419 for the construction of a building to be used for B1 business use together with associated car parking, vehicular access and landscaping at the site. This planning permission is extant.

To the west of the site planning permission was granted under reference DM/17/0572 for a proposed energy storage facility to provide energy balancing services to the National Grid. This development is currently under construction.

SITE AND SURROUNDINGS

The site of the application lies to the west of Malthouse Lane. The site has been cleared of all buildings.

To the north of the site is Contego Workwear, a former poultry shed building that has been converted to a storage use. To the south of the building there is a rise in levels and then open fields. To the east there is a hedge around 1.6m in height along the roadside. To the west there is a slight rise in levels and then the site of the energy storage facility that is currently under construction. The site is within the countryside as defined in the District Plan (DP).

APPLICATION DETAILS

This application seeks planning permission for the erection of a building to be used for business purposes, comprising a mix of office, research and development and industrial processes.

The building would have a footprint measuring some 66m by 18m with a maximum roof height of some 8m. It would be a two storey building. The external elevations

would feature a mixture of vertical natural sweet chestnut cladding, timber columns, a zinc roof, curtain walling with grey aluminium framing and aluminium windows in the wall. There would be four steel roller shutter doors on the rear (west) elevation.

The vehicular access to the site would be positioned at the southern end of the site and would be onto Malthouse Lane. There would be a total of 83 car parking spaces at the site. These would be located to the front (east) and rear (west) of the building.

The landscaping plans show that there would be additional landscape planting around the boundaries of the site. Five new trees are shown as being planted on the eastern boundary of the site with Malthouse Lane and nine new trees are shown on the western boundary.

The applicants plans indicate that the car parking areas would be lit by ten 6m high lighting columns and 6 lights affixed to the building. The lighting would not be operational when the proposed development is not in use. After this time, lighting would be activated by sensors for the purposes of security, where lighting will operate for a predetermined time- period before switching off. An override will be provided for safety.

The applicants have advised on the application form that the operating hours of the business would be 8am to 5pm Monday to Friday.

The applicants have provided a supporting statement with their application. In summary it makes the following points:

- Cells4Life was founded in 2002 and was the first private company to offer a stem cell storage and collection service in the UK.
- iosBio Ltd and CyteTech are sister companies to Cells4Life. iosBio Ltd is a biotechnology company which aims to change the way vaccines are made and taken.
- The three businesses employ 31 people (laboratory technicians, sales, research and development, finance, software development, quality assurance, operations, management, marketing, business development, administration)
- All of the site constitutes previously developed land as defined in the NPPF, the effective reuse of which is encouraged by national and local planning policy.
- The scheme is immediately deliverable and will therefore have a positive impact on the company if approved. The application seeks to positively deliver the development requirements within policy DP14 of the Mid Sussex District Plan relating to economic development within the countryside, and to achieve balance with other design, heritage, nature conservation, transport, infrastructure and sustainability policies in the Mid Sussex District Plan.
- The development is an improvement from the previously permitted development, reference DM/18/3319.

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 and the Hurstpierpoint and Sayers Common Neighbourhood Plan.

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

Mid Sussex District Plan

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

DP1 Sustainable economic development
DP12 Protection and enhancement of countryside
DP13 Preventing coalescence
DP14 Sustainable rural development and the rural economy
DP21 Transport
DP26 Character and design
DP29 Noise, air and light pollution
DP34 Listed buildings and other heritage assets
DP37 Trees, woodlands and hedgerows
DP39 Sustainable design and construction
DP41 Flood risk and drainage

Hurstpierpoint and Sayers Common Neighbourhood Plan

The HSCNP was made in 2016 and forms part of the development plan for this part of Mid Sussex.

Policy Countryside Hurst C1 - Conserving and Enhancing Character
Policy Countryside Hurst C3 - Local Gaps and Preventing Coalescence

Mid Sussex Design Guide Supplementary Planning Document (SPD)

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

National Planning Policy Framework (NPPF) (July 2021)

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

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.

Paragraphs 84 and 85 in the NPPF seek to promote a prosperous rural economy and will be referred to later in this report.

National Planning Policy Guidance

National Design Guide

Ministerial Statement and Design Guide

On 1 October 2019 the Secretary of State for the Ministry of Housing, Communities and Local Government made a statement relating to design. The thrust of the statement was that the Government was seeking to improve the quality of design and drive up the quality of new homes. The Government also published a National Design Guide, which is a material planning consideration.

The National Design Guide provides guidance on what the Government considers to be good design and provides examples of good practice. It notes that social, economic and environmental change will influence the planning, design and construction of new homes and places.

ASSESSMENT

It is considered that the main issues that need to be considered in the determination of this application are as follows;

- The principle of development;
- Impact on heritage assets
- Design/layout
- Trees and Ecology
- Access and Transport
- Drainage
- Neighbour amenity
- Ashdown Forest
- Planning Balance and Conclusion

Principle of development

As the site lies within the countryside, the starting point for an assessment of the application is policy DP12 of the DP. The supporting text to policy DP12 states in part:

'The countryside is a working environment that needs to be managed in a way that enhances the attractiveness of the rural environment whilst enabling traditional rural activities to continue. The rural economy will be supported by other policies within this Plan that permit small-scale development and changes of use that will further economic activities that are compatible with the District's rural character.'

The policy itself 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.'

The above policy is a key part of the overall spatial strategy of the DP, which seeks to protect the countryside and to focus development on the higher category settlements which have a wider range of services, facilities and better accessibility.

A fundamental principle of this policy is that the countryside is protected for its intrinsic beauty. Development can be permitted where it maintains or enhances the quality of the rural landscape character of the District and it is supported by a policy reference elsewhere in the DP, a development plan document or a neighbourhood plan.

In this case the proposed new building would clearly change the appearance of the site by introducing a new modern business building where there is currently no development. However the proposal would retain the majority of screening along the road frontage and the proposal includes a landscaping scheme for the whole site. It is also the case that there is an existing commercial business to the north of the site so the proposed building would not be seen in isolation. In addition to this there is a battery storage facility that is being built to the west of the site. It is therefore felt that the overall character of the wider area in which this site lies would still be retained.

It is also a material consideration that both the 2007 consent and the more recent consent granted under reference DM/18/4419 are extant and that development could be completed. It should also be noted that there was a building on the site in the past which has now been removed. As such the principle of a redevelopment of the site has been accepted in the past and therefore the principle of some change to the character of the immediate site has been accepted. The building previously approved under reference DM/18/4419 is two storeys in height with a footprint

measuring 18m by 64m and a flat roof 9m in height. As such it is of a similar scale to the current proposal.

Policy DP1 in the DP states in part:

'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. This will be achieved by:

- *Encouraging high quality development of land and premises to meet the needs of 21st century businesses;*
- *Supporting existing businesses, and allowing them room to expand;*
- *Encouraging inward investment, especially the location, promotion and expansion of clusters or networks of knowledge, creative or high technology industries; and*
- *Seeking the provision of appropriate infrastructure to support business growth - in particular high speed broadband connections.*

Provision for new employment land and premises will be made by:

- *Allocating 25 hectares of land as a high quality business park at Burgess Hill to the east of Cuckfield Road;*
- *Allocating further sites within the Site Allocations DPD;*
- *Incorporating employment provision within large scale housing development as part of a mixed use development where it is appropriate; and*
- *Allowing new small-scale economic development, in the countryside, including tourism (in accordance with Development in the Countryside policies).*

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;*
- *Giving priority to the re-use or adaptation of rural buildings for business or tourism use and to the diversification of activities on existing farm units (in accordance with Development in the Countryside policies). Neighbourhood Plans should:*
- *Identify the needs of local businesses and their local residents for employment opportunities and any areas requiring economic regeneration, infrastructure provision or environmental enhancement as required by paragraph 21 of the National Planning Policy Framework; and*
- *Allocate sufficient land within their towns and villages to meet these needs.*

If monitoring indicates that there is an insufficient supply of allocated employment sites to meet the District's jobs needs, then the Council will consider allocating sites

through a Site Allocations Development Plan Document, produced by the District Council.'

Policy DP1 in the DP allows for new small scale economic development in the countryside. Policy DP14 in the DP allows for new small scale economic development in the countryside, provided that it is not in conflict with policy DP12. Policy DP14 states:

'Provided it is not in conflict with Policy DP12: Protection and Enhancement of Countryside and DP13: Preventing Coalescence:

- *new small-scale economic development, including tourism-related development, within the countryside (defined as the area outside of built up area boundaries as per the Policies Map) will be permitted provided:*
 - *it supports sustainable growth and the vitality of the rural economy; and*
 - *where possible, utilises previously developed sites.*
 - *diversification of activities on existing farm units will be permitted provided:*
 - *they are of a scale which is consistent to the location of the farm holding; and*
 - *they would not prejudice the agricultural use of a unit.*
 - *the re-use and adaptation of rural buildings for business or tourism use in the countryside will be permitted provided:*
 - *the building is of permanent construction and capable of re-use without substantial reconstruction or extensive alteration;*
 - *the appearance and setting is not materially altered; and*
 - *it is not a recently constructed agricultural building which has not been or has been little used for its original purpose.'*

Overall it is considered that there is support in the DP for the principle of the development providing its tests are met.

Policy Countryside HurstC1 in the Neighbourhood Plan states *'Development, including formal sports and recreation areas, will be permitted in the countryside, where:*

- *It comprises an appropriate countryside use;*
- *It maintains or where possible enhances the quality of the rural and landscape character of the Parish area;*
- *In the South Downs National Park, policy HurstC2 will take precedent.'*

This policy has similar aims to policy DP12 in the DP and for the same reasons as outlined above, it is not considered that the proposal would conflict with this Neighbourhood Plan policy.

Coalescence

Policy DP13 in the DP 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.'

Policy Hurst C3 states 'Development will be permitted in the countryside provided that it does not individually or cumulatively result in coalescence and loss of separate identity of neighbouring settlements, and provided that it does not conflict with other Countryside policies in this Plan. Local Gaps between the following settlements define those areas covered by this policy:

*Hurstpierpoint and Hassocks;
Sayers Common and Albourne;
Hurstpierpoint and Albourne;
Hurstpierpoint and Burgess Hill.'*

It is not considered that the proposal will result in coalescence and therefore there is no conflict with this policy.

As the crow flies there is a gap of some 1.6km between the defined built up area boundaries of Burgess Hill and Hurstpierpoint at their closest points. It is not considered that the proposal would erode the sense of leaving one settlement before arriving at another. As the crow flies the site is some 295m to the west of the built up area of Burgess Hill. The built up area boundary runs alongside the Jane Murray Way and provides a strong and defined boundary to the settlement of the town. It is not felt that the proposal would have unacceptably urbanising effect on the area between settlements.

Impact on heritage assets

To the south of the site along Malthouse Lane and also to the west of the road is Kent's Farm House, which is a Grade II listed building. Associated with it are Kent's Farm Cottages and a group of agricultural buildings at Kent's Farm.

Section 66 of the Planning (Listed Buildings and Conservation Areas) (PLBCAA) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In addition, in enacting section 66(1) of the Listed Buildings Act, the desirability of

preserving the settings of listed buildings should be given 'considerable importance and weight' when the decision taker carries out the balancing exercise, thus properly reflecting the statutory presumption that preservation is desirable.

Case law has stated that *"As the Court of Appeal has made absolutely clear in its recent decision in **Barnwell**, the duties in **sections 66 and 72 of the Listed Buildings Act** do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in **Barnwell** it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight."*

The Courts further stated on this point *"This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in **Barnwell**, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering."*

Policy DP34 of the DP states in part:

'Listed Buildings

Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

- A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- Special regard is given to protecting the setting of a listed building;*

- *Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.'*

Paragraph 199 of the NPPF states:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

Paragraph 202 of the NPPF states:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

Kent's Farm House, which is a Grade II listed building. It is located some 200m to the southwest of the application site. Kent's Farm including the former farmhouse is recognised in the West Sussex Historic Farmstead and Landscape Character assessment as a Historic Farmstead dating to the 17th century.

The full comments of the Councils Conservation Officer are set out in the appendix and summarised at the start of this report. The Councils Conservation Officer states *'The surviving rural setting of the farm house and farmstead, including the application site, which was once part of the farmlands to Kent's Farm, would be regarded as making a positive contribution to the special interest of the listed building and any associated curtilage listed buildings or NDHAs within the historic farmstead, in particular those parts of that interest which are drawn from illustrative or aesthetic values.*

The current proposal is for the erection of a Class E(g) building to include a mix of office, research and development and industrial processes with a carpark, new vehicle access onto Malthouse Lane and associated landscaping.

Development of this nature would have a fundamental impact on the site's currently open and rural nature, and would remove the positive contribution which it currently makes to the setting of Kent's Farm, including the largely rural character of the approach to the historic farmstead travelling south along Malthouse Lane. The impact of the proposed development would be exacerbated by its scale, bulk, design and materials, which are unsympathetic to the rural location. For these reasons I consider that the proposal will be harmful to the setting and special interest of Kent's Farm House and the associated historic farmstead.

This would be contrary to the requirements of District Plan Policy DP34. In terms of the NPPF I would consider the harm caused to the heritage assets to be less than substantial, such that the criteria set out in paragraph 196 of that document would

apply. It should be noted that paragraph 196 as referred to by the Conservation Officer is now paragraph number 202 in the revised NPPF.

Your Planning Officer agrees that there would be impact on the setting of the heritage asset as a result of the change from a currently undeveloped site to a site with a modern two storey commercial building. It is your Planning Officer's view that the extent of this impact is tempered by the fact that there is further development adjacent to the application site (the existing commercial buildings to the north and the battery storage facility under construction to the west). As such the proposal is not introducing new development into a completely undeveloped area in the setting of the heritage asset.

Nonetheless, your Planning Officer agrees with the Council's Conservation Officer that there would be some harm and that in terms of the NPPF, this would be classed as less than substantial. It is the case that within the bracket of 'less than substantial harm', there is a range of impacts. In this case it is considered by your Planning Officer that the harm to the setting of the listed building lies at the lower end of the scale. In accordance with section 66 PLBCAA Act 1990, significant weight should be attached to that less than substantial harm that arises from this impact. However, that does not mean that any harm, however minor, necessarily requires planning permission to be refused. As set out in paragraph 202 of the NPPF, the considerable weight attached to the less than substantial harm needs to be weighed against the public benefits of the proposal.

In this case, the main benefits of the scheme are economic benefits arising from the provision of additional employment floorspace. The scheme would provide modern floorspace for companies involved in high technology businesses. It is your Planning Officer's view that significant weight should be afforded to the economic benefits of the proposal. It is a clear aim of Government policy in the NPPF to support sustainable economic growth and to support the rural economy.

In this case, given the existing development that is adjacent to the site, it is felt that the public benefits of the proposal do outweigh the less than substantial harm to the setting of the listed building at Kents Farmhouse.

The Council's Archaeological Consultant has recommended that an archaeological Desk Based Assessment be produced and provided for this application. She stated in her initial comments *'The Assessment, and possibly a report on an evaluation, will need to be submitted both before I am in a position to provide informed comments on the application, and before determination of any planning permission. Without such information, I am not in a position to comment on the archaeological implications of the proposal. If such information is not forthcoming before determination, I would recommend that the application be refused on the grounds of insufficient supporting information having been received.'*

Notwithstanding these comments, if the planning authority deems that a strategy of preservation by record is sufficient to mitigate the loss of the archaeological Assets that may be present, and that the archaeological work can be undertaken after any decision on permission, the necessary archaeological work will need to be secured by the addition of the standard archaeological condition to any planning permission

granted.' Following discussion with your Planning Officer regarding this issue, the Archaeological Consultant has further stated '...should the applicant be prepared to accept the archaeological risk, in the absence of a full archaeological assessment it would be best to assume that there will be potential for archaeological heritage assets on the site which will be impacted in the course of the construction, and therefore assume that a level of archaeological work will be required.

In the above instance, I would recommend that an appropriate and proportionate level of archaeological work would be a programme of archaeological monitoring to be carried out as the development proceeds, with the contingent excavation, recording and analysis of any Archaeological Assets revealed (often referred to as a watching brief). The archaeological monitoring would need to be carried out by professional archaeologists to advance the understanding of the significance of any Archaeological Assets present before they are destroyed by the development.'

The site used to have a poultry shed building on it and there is hardstanding within the site. Given these points and the comments of the Archaeological Advisor, it is felt that in this case it would be appropriate to use a planning condition to require a programme of archaeological work to be carried out. With such a condition in place it is felt the application is acceptable in relation to archaeological matters.

Design/layout

Policy DP26 in the DP seeks a high standard of design in new development. It 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.'*

It is undoubtedly the case that the proposed building will make a significant change to this site compared to its current undeveloped state. However whilst the site is currently cleared, there is an extant planning permission that could come forward on the site.

It is considered that the proposal is a well-designed contemporary building. The front façade of the building would be broken up by the timber columns so the building does not appear as a bland monotonous structure. The details of the external materials and layering to the timber facades can be controlled by a planning condition. The hard and soft landscaping of the site can also be controlled by a planning condition.

Principle DG44 Design of commercial buildings in the Mid Sussex Design Guide is relevant to this application. In part it states that:

'The design of commercial buildings must consider:

- *Measures to create a more human scale for example through the vertical articulation / subdivision of the facade;*
- *Careful selection of facing materials that blend with the surroundings and/or complement existing adjacent buildings.*
- *The location of reception areas and office space so that it positively contributes to the surveillance of entrance areas and forecourts;*
- *The location and coordination of signage to minimise its impact and ensure that signage on buildings is not overbearing on the surrounds or out of proportion with the scale of buildings; and*
- *Measures to mitigate the impact of their height/bulk. For example, low profile pitches / barrel vault roofs may be preferable to angular flat roofs. Green roofs should be considered where appropriate.'*

In this case the front facade of the building has been broken down by the vertical columns. The lobby areas of the building overlook the front car parking and entrance to the site to contribute to the surveillance of these areas. The use of sweet chestnut cladding and vertical open battened cladding to the ground floor is felt to be an appropriate choice of materials for this rural site.

The comments of the Council's Urban Designer are set out in full in the appendix. In part he states *'The overall building envelope is approximately the same as the consented scheme. The landscaping strategy is also similar with the inclusion of tree/shrub planting of the east and west boundaries to soften the impact of the building from the surrounding landscape. Consequently, the principle of the scheme is accepted.*

This application proposal has a more coherent and worked-through design than the consented scheme. It benefits from a simple elegance and the natural sweet chestnut timber cladding will enable it to sit more comfortably with its rural surrounds.

The extended roof canopy at the front is supported by a series of equally spaced columns that are naturally generated from the regular structure of the building. These columns vertically articulate the façade and, as well as breaking up the scale of the façade, they provide underlying order and elegance. While there was discussion about reducing the number of columns to avoid them looking too repetitive, this was not changed as it would not have coordinated with the layout.'

The Urban Designer has requested conditions to control matters of detail regarding the materials, window reveals, timber louvred screening and landscaping. These matters can be controlled by a suitably worded planning condition.

In your officers view it is considered that the proposed building is now of a suitable design quality. It is therefore felt that policy DP26 of the DP and Principle DG44 of the Design Guide SDP are met.

With regards to sustainable design, it is the applicant's intention to essentially adopt a fabric first approach to minimise heat loss and reduce the energy consumption of the building. The applicants have referred to the building exceeding the minimum building regulation requirements in relation to this matter. The applicants have advised that they will look at feasibility of solar panels on the roof of the building. The applicants have advised that all white goods will be rated minimum 'A' under the EU Energy Labelling Scheme. With regards to water consumption the applicants have advised that they would meet the equivalent of a 'Good' standard, as a minimum, with regard to the BREEAM water consumption.

It is therefore felt the applicants have had appropriate regard to policy DP39 in the DP.

Trees and Ecology

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

The application is accompanied by a Preliminary Ecological Appraisal (PEA). This states that In December 2020, CSM Ecology was commissioned by Wayne Channon of Cells4Life Group to undertake an updated Preliminary Ecological Appraisal (PEA) of land at East Lodge Farm, Malthouse Lane, Hurstpierpoint, West Sussex. The PEA notes that the site has previously been surveyed for GCN and reptiles in 2018 although none were recorded during the surveys and CSM Ecology also carried out a Preliminary Ecological Appraisal at the site in 2019.

CSM Ecology attended the site on 18/12/2020 to undertake the survey. The purpose of the PEA was to identify the major habitats present, identify potential for legally protected species to be present and recommend additional ecological surveys should they be required. A PEA does not constitute a full survey for protected species to standard survey methodologies but is used as a tool to recommend which

surveys are required for protected species (or other species of significant nature conservation interest).

The PEA describes the site as comprising scrub, ruderal plants, rough grasses, bare ground, partially wet ditches, earth banks, and scattered trees and unmanaged hedgerows on the site boundaries.

The PEA concludes that *'It is not anticipated that the proposed development will result in any negative impacts on statutory or non statutory sites on or within 2km of the site or result in the loss or affect habitats of principle importance. It is understood that the development proposals are to be confined to an area with limited conservation importance.'*

In respect of reptiles the PEA states the site has the potential to support reptiles and therefore recommends a precautionary approach be adopted, with potential habitat piles and debris be removed/dismantled during the spring, summer and early autumn under an ecological watching brief.

In respect of bats the PEA states *'the site has good potential to support foraging bats along the field boundaries and roosting bats within the mature trees. It is understood that these are to remain undisturbed under the current proposals, although if this is to change at a later date bat surveys would be required to investigate any standing mature trees to assess the potential of each of these to support roosting bats.'*

With regards to amphibians the PEA states *'No protected amphibians have been identified at the site during the surveys although suitable refugia has been found, if any are identified during the deconstruction of the rubble piles works should cease until an ecologist has made an assessment as further mitigation may be required.'*

With regards to birds the PEA states *'The preliminary survey has confirmed that the site has potential to support local bird species within the trees, hedgerows and scrub. The mature trees and hedgerow provide breeding sites for a range of passerine species and a shelter and dispersal corridor. If any of these features are to be removed then it is considered prudent that a breeding bird survey be undertaken if the proposed works are to take place within the breeding bird season (March - September inclusively) and any clearance works be carried out outside of the breeding season unless supervised by an ecologist, if active nests are found a suitable buffer would need to be adhered to until the young have fledged the nest.'*

The Council's Ecological Consultant has assessed the applicant's ecology report. He has advised:

Common reptile species

Conditions for widespread common reptile species appear to have improved since the site was previously cleared. However, although presence is quite possible, it is unlikely to support a substantial breeding population and so I would not assess there to be a significant impact on the conservation of local populations due to re-clearance of the site. As all reptile species are protected against intentional killing

and injury, reasonable avoidance measures to avoid this will be required, but may be conditioned.

Great crested newts

Great crested newts are not properly considered in the preliminary ecological appraisal (other than a generic comment about no protected amphibians being identified during the survey but acknowledging suitable refugia exist). One would not expect to see evidence of the species during a walkover of the site, especially during December when the animals are hibernating. However, an assessment of likelihood of presence can be made from assessment of habitat and proximity to potential breeding ponds/water bodies. Although there are records of the species in the local area, research undertaken for Natural England's predecessor, English Nature indicates that great crested newts are rarely found more than 250m from a suitable body of water for breeding and that most utilise habitat within 100m, with the authors recommending that careful consideration needs to be given to "whether attempts to capture newts are necessary or the most effective option to avoid incidental mortality [at greater distances than 100m]." OS mapping indicates the presence of one pond to the northeast, which is 110m away, but separated by a road, and a ditch 140m to the northwest. Furthermore, there appears to be more suitable habitat closer to the NE pond on the same side of the road making it less likely that newts would cross to use the relatively poor-quality habitat within the site. Therefore, in conclusion, I would assess the risk to be very low.

Other notable species

Based on the habitats present, I would not expect rare/notable invertebrate populations to be impacted and specific invertebrate surveys would only normally be undertaken where indicated by the habitat, although it is strange to see in the report a comment about none being identified during site surveys as little could be inferred from lack of direct observations from walkover survey in December.

There is the potential for impact on birds from any cutting back of hedgerow / shrubs during the nesting season, but this can be addressed by timing. In my view there is no significant risk of other protected / notable species being significantly affected.

He has not raised an objection to the application and has recommended that planning conditions be imposed regarding clearance work being undertaken under a watching brief.

In light of the conclusions of the Councils Ecological Consultant, it is not considered that there are grounds to resist the application based on ecological matters. There is an opportunity enhance the landscaping around the site through the planting of additional trees. With the recommended conditions from the Councils Ecological Consultant it is considered that the proposal would comply with policy DP38 in the DP.

Policy DP37 states in part:

'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.'

The proposal would require the removal of two category C trees and one category A tree. The category A tree is an Oak located on the eastern boundary within the hedgerow, which is required to be removed to accommodate the car park.

The loss of the category A tree on the road frontage is regretted. However the scheme is accompanied by a proposed landscaping scheme that includes planting of 4 extra heavy standard nursery stock trees along the eastern boundary to the road frontage and further heavy standard tree planting on the western boundary. As such, in the longer term it is not considered there would be a conflict with policy DP37 since the additional tree planting that is proposed will enhance the character of the area.

The new access point on the eastern boundary would require the removal of a section of hedgerow some 28m in length. The plans also show the replanting of some 30m of hedgerow at the north eastern side of the site where the existing access point would be closed up and elsewhere around the boundary of the site.

Overall it is considered that there would be an improvement in relation to trees and landscaping around the boundaries of the site as a result of the proposal. As the such the proposal would comply with policy DP37 of the DP. It should be noted that the proposed landscaping scheme, including the removal of the Oak along the road frontage, is essentially the same as on the previously approved scheme reference DM/18/4419.

As the proposal would involve the removal of a section of hedgerow and a mature Oak it is considered to be necessary to impose a planning condition that will set out the practical steps to be taken to avoid impacts on wildlife during site preparation and construction. With such a safeguarding condition in place it is considered that policies DP37 and DP38 of the DP are complied with.

Access and Transport

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 111 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 proposed new access is of sufficient width to allow 2 cars to pass clear of the public highway and to allow for a large articulated vehicle to enter the site and turn in order to leave the site in a forward gear. The proposed bellmouth access would measure up to 10m in width. Visibility from the site access is achievable to 2.4m x 90m in both directions in line with Design Manual for Roads and Bridges (DMRB) guidance for 85th percentile speeds of 37mph. These splays have previously been accepted by the Highway Authority and they advise that such splays remain acceptable now.

In relation to vehicular movements the application is accompanied by a Transport Statement that utilises the TRICS database to calculate the likely number of vehicular movements from the development. The TRICS database is a nationally recognised source for calculating vehicular movements. The proposed development is anticipated to generate 40 movements in the AM peak hour, 35 movements in the PM peak hour, and 235 movements across a 12-hour period. Given the site's location, the Highway Authority has assumed that 75% of this traffic will arrive from the north from Jane Murray Way (A273), while 25% will arrive from the south from the B2116.

Capacity analysis of the junction was undertaken for the proposed development using Junctions 9 software to assess the traffic impact on the Malthouse Lane left-in/left-out junction with Jane Murray Way (A273). The same modelling outputs as previously utilised for the junction capacity assessment within consented application DM/18/4419 have been used, which was agreed by the Highway Authority as part of their assessment of this application. The Highway Authority are satisfied the additional movements would not have a detrimental effect from a capacity perspective.

The predicted vehicular movements generated by the current proposal are similar to those predicted for the previously approved scheme. On the previous scheme the TRICS database identified that the development would result in 42 two-way vehicle trips in the morning peak hour and 38 two-way trips in the evening peak hour.

With regards to the accessibility of the site, whilst close to Burgess Hill, there is no footway alongside the road and the road is not street lit. Accordingly it is likely that the majority of trips to the site would be made by car. This would not fully accord with the Principle DG9 in the Mid Sussex Design Guide SPD which seeks to reduce reliance on the private car.

However it should be recognised that there is an extant scheme on the site for a commercial development to which this point would also have applied. Government advice in the NPPF is supportive of sustainable economic growth and the rural economy. Paragraph 84 states in part that *'Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;'* It is felt this provides some support for the principle of the development.

Overall, it is considered that prospective employees on this site are likely to use the private car to access the site rather than walking/cycling. Policy DP21 seeks to sustainably located development to minimise the need for travel but does recognise that there may be circumstances where development needs to be located in the countryside, such as rural economic uses. This is reflected in the advice paragraph 105 of the NPPF, which states in part *'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.'* This point is also recognised in paragraph 85 of the NPPF which states *'Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.'*

In light of these points and the fact that there is an extant consent on the site, it is not felt that the application should be resisted on matters related to the site's accessibility.

Concerns have been raised about the impact of the development on horse riders who may be using Malthouse Lane. There are bridleways to the north, south and east of the site. Whilst the proposal would result in more vehicular movements on Malthouse Lane, as has been set out above, this would not result in a severe impact on the highway network. It is therefore felt it would be difficult to substantiate a case that the impact on horse riders from the development would be so severe as to warrant refusal of the scheme. Rule 215 of the Highway Code states *'Horse riders and horse-drawn vehicles. Be particularly careful of horse riders and horse-drawn vehicles especially when overtaking. Always pass wide and slowly. Horse riders are often children, so take extra care and remember riders may ride in double file when escorting a young or inexperienced horse or rider. Look out for horse riders' and horse drivers' signals and heed a request to slow down or stop. Take great care and treat all horses as a potential hazard; they can be unpredictable, despite the efforts of their rider/driver.'* It is the responsibility of all users of the highway to adhere to the rules of the Highway Code.

Drainage

Policy DP41 in the DP seeks to ensure that sites can be satisfactorily drained without causing a risk to flooding off site.

The proposed development is within flood zone 1 and is deemed as low fluvial flood risk. The proposed development is not within an area identified as having possible pluvial flood risk.

The applicants supporting drainage information states that for surface water, the intention is to use clusters of micro-borehole soakaways to discharge water to the sub-stratum. The parking bays will be surfaced in permeable paving over a porous sub-base of 30% voided stone. The applicants advise that all surface water runoff from the roof and external areas will be conveyed through the porous sub-bases under the parking bays and/or the granular blankets over the micro-boreholes. This will filter out pollutants prior to discharge to ground.

In respect of foul drainage, as there is no foul infrastructure to which the site could connect, the applicants propose a private sewerage treatment plant.

The Council's Drainage Engineer has no objection to the proposal and has recommended that a condition be imposed to require further details of the proposed drainage works. There is no reason in principle why this site cannot be satisfactorily drained and with such a condition in place the application complies with policy DP41 of the DP.

Neighbour amenity

Policy DP26 in the DP seeks to avoid development that cause significant harm to neighbouring amenity. In respect of noise, air and light pollution, policy DP29 in the DP 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;*

Light pollution:

- *The impact on local amenity, intrinsically dark landscapes and nature conservation areas of artificial lighting proposals (including floodlighting) is minimised, in terms of intensity and number of fittings;*
- *The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes;*

Air Pollution:

- *It does not cause unacceptable levels of air pollution;*
- *Development on land adjacent to an existing use which generates air pollution or odour would not cause any adverse effects on the proposed development or can be mitigated to reduce exposure to poor air quality to recognised and acceptable levels;*
- *Development proposals (where appropriate) are consistent with Air Quality Management Plans.*

The degree of the impact of noise and light pollution from new development or change of use is likely to be greater in rural locations, especially where it is in or close to specially designated areas and sites.'

In this case the nearest neighbouring properties are Eastlands Farmhouse, some 105m to the northeast and 2 Kents Farm Cottages, some 140m to the south.

It is not considered that the proposed development would cause any loss of amenity to Eastlands Farmhouse due the distances between the properties in terms of noise and disturbance. Likewise, it is considered that the distance between the properties and the intervening screening will prevent any loss of amenity to the occupiers of 2 Kents Farm Cottages.

The Councils EHO has recommended conditions to control the hours of use of the building and deliveries, and with these in place there should be no significant impact on neighbouring amenity arising from noise.

With regards to lighting, the applicants have provided a lighting assessment with their application. The site has been assessed as falling within Zone E1, which is a dark area, with examples given as relatively uninhabited rural areas, National Parks, Areas of Outstanding Natural Beauty. The applicants have provided a supporting plan to demonstrate that light spill at ground level from the amenity lighting will be suitably contained to 1.0 lux within the application site boundary.

The Councils EHO has recommended a condition to control the lighting of the site. With such a condition in place it is considered that the relevant criteria of policy DP29 would be met.

The site is not in an air quality management area (AQMA) and there is no evidence that the proposal would cause an unacceptable level of air pollution that would justify refusal of the application on this ground.

Land contamination

The Councils Contaminated Land Officer has recommended that a contaminated land condition be imposed to ensure that this is investigated and if any contamination is found, it is dealt with appropriately. With such a condition in place this issue will be properly addressed in accordance with the guidance in paragraph 183 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 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.

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

Concerns have been raised about the proximity of the site to the battery storage facility that is being constructed to the west. The concerns relate to the potential for an accident, resulting in fire and explosions, to cause damage to the new building on the application site.

The battery storage facility was approved under planning reference DM/17/0572. The facility will need to be constructed in accordance with the relevant building control legislation. The Fire and Rescue Service at WSCC have been approached about the concerns that have been raised in relation to this issue. They have stated *'FRS Water and Access will make their comments at planning stage and then it comes to Fire Safety from a Building Control body for consultation, where B1 - B5 is assessed along with the notional boundaries. WSFRS does not have any comments to add to this proposal at this stage.'*

The planning system controls the development and use of land in the public interest. This includes consideration of the impacts on the local environment and amenity.

Government guidance on the use of planning conditions is contained with the Planning practice guidance (PPG). Planning conditions should be kept to a minimum, and only used where they satisfy the following tests:

- necessary;
- relevant to planning;
- relevant to the development to be permitted;
- enforceable;
- precise; and
- reasonable in all other respects.

Conditions requiring compliance with other regulatory regimes will not meet the test of necessity and may not be relevant to planning. There are no policies within the development plan that prescribe a minimum distance between battery storage facilities and other development. The WSFRS has advised that they would comment on the fire safety aspects of the proposed development when building regulations consent is sought for the proposal. Therefore the safety of the building in respect of fire is dealt with by another regime and it would not be appropriate to impose planning conditions relating to the fire safety of the proposed building.

The County Council originally requested an infrastructure contribution for Total Access Demand (TAD) of £137,485 to go towards traffic calming and management schemes across Hurstpierpoint, as identified in the Hurstpierpoint & Sayers Common Neighbourhood Plan.

As Members will know the NPPF sets out the government's policy on planning obligations in paragraphs 55 and 57, which state:

'55 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:

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

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) 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).

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 extant planning permission (reference DM/18/4419) does not have a requirement for infrastructure payments. In addition the Highway Authority have not objected to the current planning application. In light of these points the County Council have advised that they are no longer seeking a TAD payment for this scheme.

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 and the HSCNP.

The site lies in the countryside as defined in the DP and so that starting point for assessing the application is policy DP12 of the DP. This seeks to protect the character of the countryside by ensuring that proposals maintain or enhance the quality of the rural character of the District and they are supported by a specific policy reference elsewhere in the DP or a neighbourhood Plan. Policy Hurst C1 in the Hurstpierpoint and Sayers Common Neighbourhood Plan (HSCNP) has similar aims. Policy DP14 in the DP allows for new small scale economic development in the countryside.

It is a material planning consideration that there are two extant planning permissions on this site for a redevelopment to provide a building containing B1 business floor space. The fact that these consents could be implemented is a fall-back position for the applicants. It is relevant that the fallback position is for a business building of a similar scale to the current proposal, which was predicted to generate a similar amount of vehicular movements to the current proposal.

It is considered that whilst the proposal would change the character of this part of the countryside compared to the current situation, given the fact that there is an extant planning permission on the site, that the building would be well designed and landscaped, it is not felt that there would be harm to the countryside from this development. As such there is support for the principle of the development in policies DP12 and DP14 of the DP and policy Hurst C1 in the HSCNP.

The building would impact upon the setting of a listed building at Kents Farmhouse. By virtue of developing a site that is currently open it is considered that the proposal would have an adverse impact on the setting of this listed building and this would be less than substantial as defined in the NPPF. As such there would be a conflict with policy DP34 of the DP. It is the case that within the bracket of 'less than substantial harm, there is range of impacts. In this case it is considered that the harm to the setting of the listed building lies at the lower end of the scale. In accordance with section 66 PLBCAA Act 1990 - significant weight should be attached to that less than substantial harm that arises from this impact. However, that does not mean that any harm, however minor, necessarily requires planning permission to be refused. As set out in paragraph 202 of the NPPF, the considerable weight attached to the less than substantial harm needs to be weighed against the public benefits of the proposal.

It is considered that there are important public benefits that need to be weighed in the planning balance required under paragraph 202 of the NPPF. The scheme would

provide a good quality building that would provide high quality employment floorspace. The applicants indicate that 31 people would be employed on the site in high quality jobs. This will provide an economic benefit to the local economy. It is your Planning Officers view that these economic benefits should be afforded significant weight

The scheme would conflict with policy DP34 in the DP as there would be harm to the setting of the listed building at Kents Farm. In your Planning Officers view this harm falls within the category of less than substantial as defined in the NPPF. In order to properly reflect the statutory presumption in the PLBCAA Act 1990 this less than substantial harm should be given significant weight in the planning balance. As such this harm to the setting of the listed building weighs against the application.

It is your Planning Officers view that there are important economic benefits that would arise from this application. The provision of this building would deliver high quality commercial floorspace that would deliver high quality jobs. This would accord with the aims of policy DP1 in the DP, which refers to *'encouraging inward investment, especially the location, promotion and expansion of clusters or networks of knowledge, creative or high technology industries.'* It is considered that these benefits should be given significant weight in the planning balance and that these benefits outweigh the less than substantial harm to the setting of Kents Farmhouse.

It is considered that the proposed access to the site is satisfactory and that there will not be a severe impact on the local highway network, which is the test in policy DP21 and the NPPF. There are no objections from the Highway Authority to the proposal. As such there are no grounds to resist the application based on highways matters.

The site can be satisfactorily drained and there are no objections from your Drainage Engineers or WSCC as the Lead Local Flood Authority.

To conclude, whilst there would be conflict with policy DP34, it is felt that given the compliance with other policies identified in this report it is considered that the proposal complies with the development plan when read as a whole, which is the proper basis for decision making. In light of the above the application is recommended for approval.

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

2. 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 and Policy DP41 of the Mid Sussex District Plan 2014 - 2031

3. The applicant, or their agent, or successors in title, shall implement a programme of archaeological work in accordance with an agreed Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority prior to development commencing on the site.

Reason: The site is potentially of archaeological interest and to accord with Policy DP34 of the Mid Sussex District Plan 2014 - 2031

4. 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 and to accord with Policies DP21 and DP26 of the Mid Sussex District Plan 2014 - 2031.

5. No development above slab level shall be carried out unless and until details showing the proposed location of the required fire hydrants shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

Reason: In the interests of amenity and in accordance with policy DP20 of the Mid Sussex District Plan 2014 - 2031 and in accordance with The Fire & Rescue Service Act 2004.

6. No development above slab level shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.
 - Detailed 1:20 scale elevation and section vignettes showing the typical elements in context including: the aluminium window (and reveal) with timber louvred

screening and a typical frontage bay including the roof canopy, columns, sweet chestnut cladding and curtain wall glazing featuring the opening lights.

- A revised roof plan showing the solar PV's.
- Detailed hard and soft landscaping including boundary treatment and incorporating the bunding on the western boundary with a section drawing of this also included.
- Details of the facing materials.

Reason: In order to achieve a building of visual quality and to accord with policy DP26 of the Mid Sussex District Plan 2014-2031.

Pre occupation

7. Prior to the occupation of the building subject of this permission 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 Policies DP26 and DP37 of the Mid Sussex District Plan 2014 - 2031

8. 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 'Visibility Splays' and numbered 083.0007.001.

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

9. The building shall not be occupied until the parking spaces/turning facilities 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/turning 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

10. External lighting shall only be installed in accordance with the details specified in the submitted Lighting Strategy documents (designs for Lighting Ltd. Ref 1801-DFL-LS-001 and Lighting Plan rev A) and thereafter shall be maintained in accordance with the approved details unless otherwise agreed in writing.

Reason: To protect the character of the area and to comply with policy DP29 of the District Plan 2014-2031.

11. Prior to the first occupation of any building forming part of the proposed development the developer will at their own expense install the fire hydrant in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

Reason: In the interests of amenity and to accord with policy DP20 in the Mid Sussex Local Plan 2014-2031 and in accordance with The Fire & Rescue Service Act 2004.

Post occupation

12. Hours of use of the units shall be limited to the following times:

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

Weekends and Public Holidays: 08:00 - 18:00 hrs

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

13. Deliveries or collection of goods, equipment other than waste shall be limited to the following times:

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

Saturday: 08:00 - 18:00 hrs

Sunday and Public/Bank holidays: None permitted

Waste collection may take place between the following hours:

Monday to Friday: 07:00 - 18:00 hrs

Saturday: 08:00 - 18:00 hrs

Sunday and Public/Bank holidays: None permitted

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

14. Unless otherwise agreed in writing, the noise rating level of any operational plant or machinery (air conditioning, condensers etc) shall be no higher than background noise levels when measured at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. Details of any mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the commencement of the use applied for and thereafter be maintained in accordance with the approved details.

Reason: To protect the amenity of local residents and to comply with policy DP29 of the District Plan 2014-2031.

Construction phase

15. 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 DP41 of the Mid Sussex District Plan 2014 - 2031 and paragraph 170 of the National Planning Policy Framework.

16. 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 District Plan 2014-2031.

Approved Plans

17. 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.

INFORMATIVES

1. 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.
2. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by 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:

Plan Type	Reference	Version	Submitted Date
Location Plan	2035 AP(0)01 P1		16.03.2021
Topographical Survey	2035 AP(0)02 P1		16.03.2021
Proposed Site Plan	2035 AP(0)05 P1		16.03.2021
Proposed Floor Plans	2035 AP(0)10 P1		16.03.2021
Proposed Floor Plans	2035 AP(0)11 P1		16.03.2021
Proposed Roof Plan	2035 AP(0)12 P1		16.03.2021
Proposed Elevations	2035 AP(0)20 P1		16.03.2021
Proposed Elevations	2035 AP(0)21 P1		16.03.2021
Proposed Sections	2035 AP(0)30 P1		16.03.2021
Drainage Details	11044/1102		16.03.2021
Tree Survey	LLD2183-ARB-DWG-001		16.03.2021
Lighting Layout/Light Pollution	1801-DFL-LC-001		16.03.2021
Landscaping Details	LLD2183-LAN-DWG-200		16.03.2021
Landscaping Details	LLD2183-LAN-DWG-300		16.03.2021
Landscaping Details	LLD2183-LAN-DWG-100		16.03.2021
Topographical Survey	11044/1101		16.03.2021

APPENDIX B – CONSULTATIONS

Parish Consultation (Additional comments received 3 August 2021)

Recommendation is deferred due to inaccurate Ecological Report submitted, awaiting correct report and a response from MSDC Ecological Consultant.

Parish Consultation (Original comments received 10 May 2021)

Permission is granted. Subject to the conditions proposed by MSDC and no further development on the site.

Highway Authority

Background

WSCC in its role of Local Highway Authority (LHA) has been consulted on the proposals for a planning application for the development of a 2240sqm building for E(g) land use on land off Malthouse Lane, Hurstpierpoint. In terms of planning history it should be noted that the site has an existing planning consent for 2400sqm B1 (office) land use (DM/18/4419). The LHA requested some further information from the applicant on highway aspects as part of these earlier proposals. The outstanding highway issues were eventually resolved however and the application was subsequently approved by the Local Planning Authority (LPA).

The application is supported by way of a Transport Statement (TS) which includes a Stage 1 Road Safety Audit (RSA) on the access strategy.

Access and Visibility

The proposed access to the site would be taken from Malthouse Lane through the creation of a priority bellmouth junction. The proposed bellmouth access would measure up to 10m in width. Visibility from the site access is achievable to 2.4m x 90m in both directions in line with Design Manual for Roads and Bridges (DMRB) guidance for 85th percentile speeds of

37mph. These splays have previously been accepted by the LHA and would be in this applications case.

The proposed new access is of sufficient width to allow 2 cars to pass clear of the public highway and to allow for a large articulated vehicle to enter the site and turn in order to leave the site in a forward gear.

Stage 1 RSA

In accordance with the adopted WSCC 'Road Safety Audit Policy', a Stage 1 RSA has been undertaken in accordance with the GG119 governance document by an independent Audit. A Design Team response to the RSA has also been prepared. No were matters raised in the RSA and there are no outstanding matters raised through the audit process.

Parking and Layout

The proposed development will provide 83 unallocated parking spaces, in line with the LHA's parking guidance disabled persons parking spaces are of 4% of the total are provided within the proposed parking provision.

It is currently expected that the site would accommodate a maximum of 50 staff at any one time. However the proposed allocation at 83 will accommodate any potential overspill from staff or visitors if necessary. There would also be sufficient levels of parking to aid the build up of parking on Malthouse Lane.

Capacity

The TS utilises the TRICS database to provide an indication of the likely number of vehicular movements to and from the site. The proposed development is anticipated to generate 40 movements in the AM peak hour, 35 movements in the PM peak hour, and 235 movements across a 12-hour period. Given the site's location, it is assumed that 75% of this traffic will arrive from the north from Jane Murray Way (A273), while 25% will arrive from the south from the B2116.

Capacity analysis of the junction was undertaken for the proposed development using Junctions 9 software to assess the traffic impact on the Malthouse Lane left-in/left-out junction with Jane Murray Way (A273). The same modelling outputs as previously utilised for the junction capacity assessment within consented application DM/18/4419 have been used, which was agreed by the LHA as part of our assessment of this application.

On that basis the above the LHA would be satisfied the additional movements would not have a detrimental effect from a capacity perspective.

Conclusion

Given the previous history already associated with this site the LHA would not raise an objection to the proposals under Paragraph 108 and 109 of the National Planning Policy Framework (NPPF). Any approval of planning consent would be subject to the following 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 'Visibility Splays' and numbered 083.0007.001

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.

WSCC 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
<p>Comments: Current surface water mapping shows that the proposed site is at low risk from surface water flooding. An area to the west of the site is shown to be at moderate risk.</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>	
Watercourses nearby?	No
<p>Comments: Current Ordnance Survey mapping shows no ordinary watercourses running near 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 surface water flooding within the site?	No
<p>Comments: We do not have any records of historic surface water flooding within the confines of the proposed site. This should not be taken that the site itself has never suffered from flooding, only that it has never been reported to the LLFA.</p>	

Future development - Sustainable Drainage Systems (SuDS)

The Drainage Strategy shows that sustainable drainage techniques (permeable paving, attenuation and infiltration) would be used to control the surface water from this development.

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.

WSCC Water and Access Manager

This proposal has been considered by means of desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC mapping and Fire and Rescue Service information. A site visit can be arranged on request.

I refer to your consultation in respect of the above planning application and would provide the following comments:

- 1) Prior to the commencement of the development details showing the proposed location of [1] one fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.
- 2) Prior to the first occupation of any dwelling/unit forming part of the proposed development that they will at their own expense install the fire hydrant (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

As part of the Building Regulations 2004, adequate access for firefighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly in very large developments. (BS5588 Part B 5) for further information please contact the Fire and Rescue Service

If a requirement for additional water supply is identified by the Fire and Rescue Service and is subsequently not supplied, there is an increased risk for the Service to control a potential fire. It is therefore recommended that the hydrant condition is implemented.

Reason: In the interests of amenity and in accordance with Mid Sussex District Plan (2014 - 2031) Key Policies DP18 and DP19 and in accordance with The Fire & Rescue Service Act 2004.

Archaeological Officer

Comments received 11 May 2021

Further Information Required:

The Historic Environment Planning 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 (Revised 2018 - Section 16) places the conservation of archaeological interest as a material consideration in the planning process. Paragraph 189 of the NPPF says that: 'Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to

submit an appropriate desk-based assessment and, where necessary, a field evaluation.' This information should be supplied to inform the planning decision.

The application site is relatively large (covering an area of over 0.5ha) and appears to be a previously undeveloped site, and as such has an enhanced potential to contain previously unknown below ground archaeological remains. A Heritage Statement has been submitted in support of this application, which provides further detail about the expected impact on built heritage but given the potential for the proposed groundworks to impact on below ground archaeological Heritage Assets I would have also expected supporting archaeological information to be submitted with the application. This is in line with the advice given in the National Planning Policy Framework and Mid Sussex Local Plan policy DP34 and ensures that full and proper consideration is given to the likely impact of the development proposal.

I would recommend in the first instance that an archaeological Desk Based Assessment be produced and provided for this application. The Desk Based Assessment should aim to determine the potential for and significance of any archaeological assets affected, provide information about previous impact that has occurred on the site, and detail the level of groundworks proposed and the potential for these impacting on archaeological assets. Once the Assessment has been produced, this will enable decisions to be made on what, if any, further archaeological work is necessary, although should the Assessment prove inconclusive further intrusive methods of site assessment will be required.

Subsequent phases of archaeological work on a site of this scale usually comprise site evaluation, and then any necessary mitigation measures. Evaluation usually comprises a programme of trial trenching, and it may be necessary to require the applicants to submit the results of an evaluation in advance of determination of any planning permission. The mitigation measures usually involve more detailed excavation of any archaeological Heritage Assets present to advance understanding of their significance before their loss, but in the event of Assets of exceptional significance being present, preservation in situ is the preferred option.

The Assessment, and possibly a report on an evaluation, will need to be submitted both before I am in a position to provide informed comments on the application, and before determination of any planning permission. Without such information, I am not in a position to comment on the archaeological implications of the proposal. If such information is not forthcoming before determination, I would recommend that the application be refused on the grounds of insufficient supporting information having been received.

Notwithstanding these comments, if the planning authority deems that a strategy of preservation by record is sufficient to mitigate the loss of the archaeological Assets that may be present, and that the archaeological work can be undertaken after any decision on permission, the necessary archaeological work will need to be secured by the addition of the standard archaeological condition to any planning permission granted. The appropriate condition is:

"No development shall take place until the applicant, or their agent, or successors in title, has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority."

Please note these comments relate to below ground archaeological matters only.

Further comments received 22 June 2021

This is something which I used to recommend on occasion in the past where one could be reasonably confident that mitigation measures would be sufficient rather than preservation in situ, but I have since made stopped recommending as primarily as it would be contrary to National and Local Policy, namely NPPF para 189, copied below for reference. We also found that it was very difficult to write a properly enforceable archaeological condition which could take into account the wide range of potential possible archaeological types and stages of archaeological work and outcomes.

189. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Given the nature and specifics of the application, the document need not be especially detailed in this instance but should incorporate an assessment of potential based on the results of a Historic Environment Record search (as per the minimum set out in National Policy), and provide the necessary details as previously discussed regarding the expected archaeological impact based on the likelihood of surviving soil horizons and the extent of proposed ground impacts.

That said, without such a document in place, if as a Local Planning Authority you are minded to grant permission, and should the applicant be prepared to accept the archaeological risk, in the absence of a full archaeological assessment it would be best to assume that there will be potential for archaeological heritage assets on the site which will be impacted in the course of the construction, and therefore assume that a level of archaeological work will be required.

In the above instance, I would recommend that an appropriate and proportionate level of archaeological work would be a programme of archaeological monitoring to be carried out as the development proceeds, with the contingent excavation, recording and analysis of any Archaeological Assets revealed (often referred to as a watching brief). The archaeological monitoring would need to be carried out by professional archaeologists to advance the understanding of the significance of any Archaeological Assets present before they are destroyed by the development. In which case to ensure the required archaeological work is secured satisfactorily, the following archaeological condition would be appropriate and should be attached to any planning permission granted: *"The applicant, or their agent, or successors in title, shall implement a programme of archaeological work in accordance with an agreed Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority."*

Ecological Consultant

Further to review of the revised preliminary ecological appraisal, case officer photos, previous site visit and desk study sources, I can advise as follows.

Common reptile species

Conditions for widespread common reptile species appear to have improved since the site was previously cleared. However, although presence is quite possible, it is unlikely to support a substantial breeding population and so I would not assess there to be a significant impact on the conservation of local populations due to re-clearance of the site. As all reptile species are protected against intentional killing and injury, reasonable avoidance measures to avoid this will be required, but may be conditioned.

Great crested newts

Great crested newts are not properly considered in the preliminary ecological appraisal (other than a generic comment about no protected amphibians being identified during the survey but acknowledging suitable refugia exist). One would not expect to see evidence of the species during a walkover of the site, especially during December when the animals are hibernating. However, an assessment of likelihood of presence can be made from assessment of habitat and proximity to potential breeding ponds/water bodies. Although there are records of the species in the local area, research undertaken for Natural England's predecessor, English Nature¹ indicates that great crested newts are rarely found more than 250m from a suitable body of water for breeding and that most utilise habitat within 100m, with the authors recommending that careful consideration needs to be given to "whether attempts to capture newts are necessary or the most effective option to avoid incidental mortality [at greater distances than 100m]." OS mapping indicates the presence of one pond to the northeast, which is 110m away, but separated by a road, and a ditch 140m to the northwest. Furthermore, there appears to be more suitable habitat closer to the NE pond on the same side of the road making it less likely that newts would cross to use the relatively poor-quality habitat within the site. Therefore, in conclusion, I would assess the risk to be very low.

Cresswell, W. and Whitworth, R. (2004). English Nature Research Reports Number 576: An assessment of the efficiency of capture techniques and the value of different habitats for the great crested newt *Triturus cristatus*. English Nature, Peterborough.

Other notable species

Based on the habitats present, I would not expect rare/notable invertebrate populations to be impacted and specific invertebrate surveys would only normally be undertaken where indicated by the habitat, although it is strange to see in the report a comment about none being identified during site surveys as little could be inferred from lack of direct observations from walkover survey in December.

There is the potential for impact on birds from any cutting back of hedgerow / shrubs during the nesting season, but this can be addressed by timing. In my view there is no significant risk of other protected / notable species being significantly affected.

Recommended conditions:

If MSDC is minded to grant consent, the following conditions are recommended:

No development, including ground works, shall commence until vegetation and any piles of rubble or other suitable reptile refugia have first been cleared under a watching brief from an experienced and qualified ecologist / wildlife advisor and a written statement of compliance provided by them to the local planning authority. This work must be completed during suitable daytime temperatures > 10 °C between March and the end of October to allow any reptiles to move out of harm's way.

No hedgerow trees or shrubs shall be removed without prior written approval from the local planning authority and no woody vegetation shall be removed or cut back during the main period of bird nesting (1 March to end of August) unless first checked and declared free of active nests by experienced and qualified ecologist / wildlife advisor.

Reason: to prevent loss of, and contribute to a net gain in, biodiversity, in accordance with Policy DP38 of the Mid Sussex District Plan and 180 of the NPPF.

Mid Sussex Drainage Engineer

The information submitted in support of the foul and surface water drainage at application stage is detailed drainage design. Therefore, the Flood Risk and Drainage Team have no objection subject to the drainage being implemented as per the details submitted and shown on drawing 11044/1102 Rev P1.

Any alterations to the proposed development as part of the application process will likely result in alternation to the drainage system. At which point the Flood Risk and Drainage Team should be reconsulted to determine whether the system continues to be acceptable or whether a drainage condition is required.

Environmental Health Officer

The application is in a rural setting, approx. 110m from the nearest residential property. To keep aligned with the rural setting it is suggested that hours of use be restricted to daytime only. A lighting scheme has been submitted which is sensitive to the rural setting. Accordingly, should planning permission be granted, recommended conditions are as follows:

Implementation phase

- 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.

Operational phase

- Hours of Use (operational): Hours of use of the units shall be limited to the following times:

Monday to Friday: 08:00 - 18:00 hrs
Weekends and Public Holidays: 08:00 - 18:00 hrs

- Deliveries (operational): Deliveries or collection of goods, equipment or waste shall be limited to the following times:

Monday to Friday: 07:00 - 18:00 hrs
Saturday: 08:00 - 18:00 hrs
Sunday & Public/Bank holidays: None permitted

Reason: To protect the amenity of local residents

- Plant & Machinery (operational): Unless otherwise agreed in writing, the noise rating level of any operational plant or machinery (air conditioning, condensers etc) shall be no higher than background noise levels when measured at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. Details of any mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the commencement of the use applied for and thereafter be maintained in accordance with the approved details.

Reason: To protect the amenity of local residents

- Lighting: External lighting shall only be installed in accordance with the details specified in the submitted Lighting Strategy documents (Designs for Lighting Ltd. Ref 1801-DFL-LS-001) and thereafter shall be maintained in accordance with the approved details unless otherwise agreed in writing.

Contaminated Land Officer

Comments: The application looks to construct a commercial building with a car park.

A contaminated land risk assessment by Environmental Assessment Services Ltd (Ref: NJA/EastlodgeFrm/CRA), dated October 2018 has been submitted with the application. This report has been assessed and has been found to meet the necessary standards.

While the investigation found a number of contaminants, none of them were above the guidance value for commercial use, and the risk to end users is seen as minimal. However there is some risk to ground workers for the development, future maintenance workers, and supply services.

As identified by Environmental Assessment Services Ltd, the report should be submitted to the local water company to establish what protective piping is required for potable water.

With regards to site works, this is a health and safety matter, and while the developer will need to follow the recommendations made, it is not something Environmental Protection would comment on.

While none of the contaminants found exceeded guideline values for commercial use, due to the findings a discovery strategy condition should be applied. This is to ensure that works stop if any further possible contamination is found during ground works, investigated, and remediated if required. The developer will need to confirm prior to occupation whether any further contamination was found, and if so, how it was dealt with.

Recommendation:

Approve with the following condition:

1. 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 Conservation Officer – Emily Wade

The application site is an open field to the south of East Lodge Farm, to the west of Malthouse Lane. East Lodge Farm now appears to be in use as a light industrial site or similar, although the buildings retain an agricultural character. Further south along Malthouse Lane and also to the west of the road is Kent's Farm House, which is a Grade II listed building. Associated with it are Kent's Farm Cottages and a group of agricultural buildings at Kent's Farm. Although there appear to be a number of modern agricultural buildings on the site, Kent's Farm including the former farmhouse is recognised in the West Sussex Historic Farmstead and Landscape Character assessment as a Historic Farmstead dating to the 17th century. Depending on their age as well as other factors former farm buildings within the farmstead may be regarded as curtilage listed, or as non-designated heritage assets (NDHAs). The farm is visible from Malthouse Lane; the farmhouse itself is well screened by hedges and trees along the road frontage but may be visible in glimpsed views in winter.

It is likely that Kent's Farm House would be considered to possess historical evidential and illustrative value as a good example of a 17th century Sussex farmhouse, altered and extended over the years in response to changing socio-economic conditions and the evolving needs and aspirations of successive owners. It also possesses aesthetic value based in part on the use of vernacular materials viewed within the landscape from which they were drawn. Any other surviving historic farm buildings within the farmstead might possess similar values, although depending on age and character they may be of less interest than the house itself.

The surviving rural setting of the farm house and farmstead, including the application site, which was once part of the farmlands to Kent's Farm, would be regarded as making a positive contribution to the special interest of the listed building and any associated curtilage listed buildings or NDHAs within the historic farmstead, in particular those parts of that interest which are drawn from illustrative or aesthetic values.

The current proposal is for the erection of a Class E(g) building to include a mix of office, research and development and industrial processes with a carpark, new vehicle access onto Malthouse Lane and associated landscaping.

Development of this nature would have a fundamental impact on the site's currently open and rural nature, and would remove the positive contribution which it currently makes to the setting of Kent's Farm, including the largely rural character of the approach to the historic

farmstead travelling south along Malthouse Lane. The impact of the proposed development would be exacerbated by its scale, bulk, design and materials, which are unsympathetic to the rural location. For these reasons I consider that the proposal will be harmful to the setting and special interest of Kent's Farm House and the associated historic farmstead.

This would be contrary to the requirements of District Plan Policy DP34. In terms of the NPPF I would consider the harm caused to the heritage assets to be less than substantial, such that the criteria set out in paragraph 196 of that document would apply.

Urban Designer

The overall building envelope is approximately the same as the consented scheme. The landscaping strategy is also similar with the inclusion of tree/shrub planting of the east and west boundaries to soften the impact of the building from the surrounding landscape. Consequently, the principle of the scheme is accepted.

This application proposal has a more coherent and worked-through design than the consented scheme. It benefits from a simple elegance and the natural sweet chestnut timber cladding will enable it to sit more comfortably with its rural surrounds.

The extended roof canopy at the front is supported by a series of equally spaced columns that are naturally generated from the regular structure of the building. These columns vertically articulate the façade and, as well as breaking up the scale of the façade, they provide underlying order and elegance. While there was discussion about reducing the number of columns to avoid them looking too repetitive, this was not changed as it would not have coordinated with the layout.

It is nevertheless disappointing that the design has not evolved further since the pre application stage when further information and details were requested in respect of the incorporation of the following:

- A grass bund on the western boundary (as included in the previous consent): while a continuous run of trees is shown on this boundary, a bund will help screen the car park during the winter months from the countryside and public right of way.
- Additional layering of the façade.
- Detailed drawings showing typical junction/facade details to demonstrate the quality of the finish.
- Solar PV panels included on the roof plan (the butterfly roof is ideally designed to discreetly accommodate them).

The architect has now agreed to provide further details to address the above requirements. I therefore raise no objections to this planning application but would recommend conditions to secure them including:

- Detailed 1:20 scale elevation and section vignettes showing the typical elements in context including: the aluminium window (and reveal) with timber louvred screening and a typical frontage bay including the roof canopy, columns, sweet chestnut cladding and curtain wall glazing featuring the opening lights.
- A revised roof plan showing the solar PV's.
- Detailed hard and soft landscaping including boundary treatment and incorporating the bunding on the western boundary with a section drawing of this also included.
- Details of the facing materials.

Tree Officer

Whilst the loss of the mature oak category A is regrettable, nevertheless there is significant mitigation planting.

I still have concerns over the wild flower area as per my comments on the previous application.

Whilst I accept that some non-native planting may occur within the confines of the site, I have concerns with the native understorey. Neither *Frangula alnus*, nor *Vinca* are natives and, in particular *Frangula* is known to be invasive in this country. I would therefore require a suitable alternative.

I would be grateful if you would request this amendment and, should permission be granted, condition adherence with all planting and landscaping documents.

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