

7 June 2022

Meetings of Council Committees are broadcast live through the [Mid Sussex District Council's YouTube channel](#). 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 working 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 JUNE, 2022 at 2.00 pm** when your attendance is requested.

Yours sincerely,
KATHRYN HALL
Chief Executive

A G E N D A

Pages

1. To receive apologies for absence.
2. To receive Declarations of Interest from Members in respect of any matter on the Agenda.
3. To confirm the Minutes of the previous meeting of the District Planning Committee held on 11 May and 19 May 2022. **3 - 10**
4. To consider any items that the Chairman agrees to take as urgent business.

Recommended for Approval.

5. DM/20/4127 - Barns Court and Friday Farm, Turners Hill Road, Crawley Down, West Sussex, RH10 4HQ. **11 - 90**

Recommended for Refusal.

None.

Other Matters

None.

6. 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, B Forbes, R Bates, P Coote, A Eves, S Hatton, R Jackson, C Laband, G Marsh, A Peacock, C Trumble and R Whittaker

**Minutes of a meeting of District Planning Committee
held on Wednesday, 11th May, 2022
from 7.40 pm - 7.30 pm**

Present: D Sweatman (Chairman)
B Forbes (Vice-Chair)

P Coote
A Eves

R Jackson
C Laband

A Peacock
C Trumble

Absent: Councillors R Bates, S Hatton and G Marsh

1. ELECTION OF CHAIRMAN.

Councillor Forbes nominated Councillor Sweatman as Chairman of the Committee for the 2022/23 Council year. This was seconded by Councillor Whittaker and with no further nominations put forward, this was agreed.

RESOLVED

That Councillor Sweatman be elected Chairman of the Committee for the 2022/23 Council year.

2. APPOINTMENT OF VICE-CHAIRMAN.

Councillor Sweatman nominated Councillor Forbes as Vice-Chairman of the Committee for the 2022/23 Council year. This was seconded by Councillor Peacock and with no further nominations put forward, this was agreed.

RESOLVED

That Councillor Forbes be appointed Vice-Chairman of the Committee for the 2022/23 Council year.

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

None.

The meeting finished at 7.30 pm

Chairman

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**Minutes of a meeting of District Planning Committee
held on Thursday, 19th May, 2022
from 2.00 pm - 4.20 pm**

Present: D Sweatman (Chairman)
B Forbes (Vice-Chair)

R Bates
P Coote
A Eves

S Hatton
R Jackson
C Laband

G Marsh
R Whittaker

Absent: Councillors A Peacock and C Trumble

1. TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillor Peacock.

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

None.

3. TO CONFIRM MINUTES OF THE PREVIOUS MEETING OF THE DISTRICT PLANNING COMMITTEE HELD ON 17 MARCH 2022.

The Minutes of the Committee meeting held on 17 March 2022 were agreed as a correct record and signed by the Chairman.

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

None.

5. DM/21/3385 - LAND TO THE SOUTH OF KINGS WAY, BURGESS HILL, WEST SUSSEX, RH15 0XP.

Joseph Swift, Senior Planning Officer introduced the application for erection of a 68-bedroom residential care facility, with associated access works, car parking, servicing, private amenity space, landscaping and boundary treatment. He drew the Member's attention to the agenda update sheet highlighting amendments to conditions 3, 6, 20 and 21. With the deletion of condition 11 and replacement with a condition to secure EV charging, together with the deletion of condition 19 and an additional condition to secure cycle parking. Members were also made aware of an additional letter of representation which had been received, the points raised had already been covered by previous letters. In addition additional comments had been received by the Urban Designer. The officer noted the site constraints with the varying levels between the site and Kings Way, the area of Ancient Woodland to the south eastern corner, the application site has a number of TPO trees to the north western and north eastern boundaries and the proposal would require the removal of 8 trees to gain

access, together with the land levels being raised within the RPA of the trees at a few pinch points along the north eastern boundary. The Tree Officer has been consulted and raised no objections to the proposal which will also be providing additional planting and 15 ms buffer zone to the Ancient Woodland. He noted the application had been reviewed by the Design Review Panel, and the Urban Designer had made a few recommendations. The buildings will be constructed with a fabric first and energy demand approach beyond current building regulations. The site is within the built up area boundaries, within a sustainable location, supported by policy, is considered to be appropriate in terms of design, neighbouring amenity, highways, drainage, ecology, trees, contamination and on the impact on the Ashdown Forest.

Peter Tooher, agent for the applicant spoke in favour of the application.

Members discussed the sustainability of the site in relation to the provision of bus routes to the town centre and screening of the development from the railway. They noted the installation of PV panels and air source heat pumps, and the higher level of construction than current building regulations.

Members expressed concern over the location of the building within the plot, which will be close to the railway line, the use of gas boilers, sound proofing from the railway line and potential noise from the ground source heat pumps.

The Chairman noted that the site is well screened by existing shrubs.

In response to Members' concerns the Officer advised an end user had not yet been chosen but the developer has several options. Condition 10 deals with the issue of the railway and sound proofing to protect the end user. No age restrictions had been attached to the application but could be added if the committee considered it was necessary. An application for a change of use would be required if no end users was found and an alternative use was sought.

The Officer highlighted that the site is constrained regarding the access point due to the changes in levels, therefore the access would be from the north-east of the site with an adjacent car park, the building would be sited at the southern end of the site, and the issue of sound proofing has been controlled by a condition. The car park met WSCC standards, no additional parking places will be provided for staff and WSCC had raised no objections. He noted that an air quality management condition had been removed and the developer advised they would be willing to install 7kw charging points. He confirmed condition 13 covers noise from fixed plant and machinery. Members were advised that no other infrastructure contributions from the developer were not required beyond the TAD and a contribution for the library currently being sought, and a Member highlighted the new medical facilities near Keymer brick works.

In response to a Member's concern with future proofing of the site, the Chairman advised the Committee must consider the application that has been received.

The Chairman highlighted the need for care homes in the district with an aging population.

As there were no further questions or contributions the Chairman took Members to a vote on the recommendations outlined in the report. This was proposed by Councillor Marsh and seconded by Councillor Whittaker and was approved 7 in favour, one against and 1 abstention.

RESOLVED

Recommendation A

That planning permission be approved subject to the completion of a satisfactory S106 Legal Agreement to secure infrastructure contributions and the conditions set in Appendix A and subject to changes in the agenda update sheet.

Recommendation B

That if the applicants have not submitted a satisfactory signed planning obligation securing the necessary infrastructure payments by the 21st July 2022, then it is recommended that permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reasons:

'The application fails to comply with policies DP20 of the Mid Sussex District Plan in respect of the infrastructure contributions required to serve the development.'

6. **DM/21/3959 - LYDHURST ESTATE, WARNINGLID LANE, WARNINGLID, HAYWARDS HEATH, WEST SUSSEX, RH17 5TG.**

Joanne Fisher, Senior Planning Officer introduced the application. She drew the Members' attention to the agenda update sheet, noted one extra representation, clarified the position on the impact of the Warninglid Conservation Area, highlighted amendments to conditions 4, 5 and 16 as well as an additional informative.. The application is for a change of use and conversion of estate buildings from residential to assembly and leisure and restaurants and cafes. The new uses that are being proposed are: entrance, reception, restaurant, club room, cookery school, wellness centre, treatment rooms, yoga studio, gym, craft centre, offices, staff facilities, visitor holiday let accommodation, maintenance yard, external swimming pools, children's play area and kids club. Additional information was received on 7th March 2022 concerning an updated transport assessment, arboricultural impact assessment, further details on the 'Dutch Barn' holiday let accommodation, swimming pools and indicative details on the children's play area. The officer highlighted that the site is within an area of AONB. Whilst the entrance to the site is through a conservation area, this ends at the entrance gates to the site with the nearest buildings some 280 metres away and the car park which is to be landscaped some 219 metres. As such the proposal is not considered to cause detriment to the setting of the Conservation Area. The proposal would result in the change of use to a number of existing buildings resulting in the re-use of existing buildings some with extensions and in some parts the replacement to some buildings of a similar scale and on the same footprint. The ratio of refurbishment of existing buildings to new buildings is 2:1. The officer highlighted the improvements and extension to the main house, other existing buildings and the buildings that would be replaced. She noted the Urban Designer was content with the application in relation to the Dutch Barn and that the Highways Authority raised no objection to the scheme in terms of detriment to the operation of the highway network or on highway safety.

Cllr Kenneth Boyle, Slaugham Parish Council spoke against the application.

Adam Richards, spoke in favour of the application.

Will Scrase-Dickens spoke in favour of the application.

Adrian Baillie, spoke in favour of the application.

Several Members welcomed the application. They discussed the location of and access to the site, the redevelopment and re-use of the existing buildings and cladding to the main house.

Members expressed concern over the access to the site, the potential impact of increased traffic through a conservation area, the impact of potential light pollution in a conservation area on wildlife.

The Officer confirmed the condition 3 requires a construction management plan and condition 17 ensured the improvement visibility splays to the access on Warninglid Lane prior to occupying the site. She confirmed condition 8 covers the materials used in the construction which would include the recladding to the main dwelling, and that an extra informative could be added to make it clear in respect of the materials details under condition 8 for the house if the Committee requested one.

Following a Member's comment she advised an informative makes an applicant aware what expected as part of a condition, the Chairman agreed to inclusion of an informative on condition 8.

The Chairman reminded the Committee that they must consider the application that had been received, no objections had been received from WSCC highways, condition 19 covered landscaping and condition 20 covered lighting.

A Member noted the suggestions of the Warninglid residents regarding a one-way system; the Chairman noted that was not part of the application before the committee and WSCC had raised no objections.

As there were no further questions or contributions the Chairman took the Members to the recommendation. This was proposed by Councillor Marsh and seconded by Councillor Jackson and was approved 8 in favour and 1 abstention.

RESOLVED

That planning permission be approved subject to the conditions set in Appendix A, the agenda update sheet and additional informative to condition 8.

Councillor Coote joined the meeting for the following item.

7. DM/21/3870 - BURGESS HILL NORTHERN ARC, LAND NORTH AND NORTH WEST OF BURGESS HILL, BETWEEN BEDELANDS NATURE RESERVE IN THE EAST AND, GODDARD'S GREEN WASTE WATER TREATMENT WORKS IN THE WEST.

Louise Yandell, Northern Arc Strategic Development Delivery Manager introduced the reserved matters application to consider access, appearance, landscaping, layout and scale for the erection of 247 dwellings, alterations to lowlands farm and its conversion to form 2 dwellings, associated car parking, open space and infrastructure, including an extension to Bedelands nature reserve and provision of the green circle (pedestrian/cycle/equestrian route) and pedestrian/cycle route for sub-phases P1.3, P1.5, P1.6, OS1.5, OS1.6 and part of OS1.1a, OS1.1b and OS1.2N to the east of Isaacs lane and Lowlands Farm at the Northern Arc development on land north and north-west of Burgess Hill. She highlighted the agenda update sheet which contained additional information and amendments to conditions.

She confirmed that the Northern Arc development received outline planning permission in 2019 and the principle of development had already been established. She highlighted the relevant areas of the development, indicated that a reserved matters application for the remaining areas of parcels OS1.1a, OS1.1b and OS1.2N of the Northern Arc development is expected to be received in the Summer. She highlighted that this phase of the development will provide 30% affordable housing dispersed throughout the site, parking will meet WSCC standards, landscaped areas would be provided, along with additions to the Green Circle. The development meets future homes sustainability standards, Part L which exceeds current building regulations, noting the inclusion of PV panels, air source heat pumps and hot water heat pumps where PV is not suitable. The development will provide a bio-diversity net gain of above 20% by retaining and enhancing existing habitats. The development will deliver towards the Council's 5-year housing land supply.

Nicholas Milner, Homes England spoke in favour of the application.

James McConnell, spoke in favour of the application.

The Chairman welcomed the application from Homes England and Bellway Homes.

Member discussed the design of the dwellings, poor cycle links to Haywards Heath, and the extension to Bedelands Nature Reserve. A Member commented on the slurry lagoon noting it was outside the remit of the application.

Members expressed concern over the potential of trailing EV charging leads across pavements, the permanent retention of turning spaces.

The Officer noted that the EVCs were secured by a condition on the outline scheme, and Bellway's intention is to deliver above current standards. The condition requires full details to be submitted and approved prior to construction, this will ensure a good provision of chargers and positioned appropriately. On the issue of the turning spaces, a condition can determine the material used to highlight them and an extra condition can require all turning points to be retained in perpetuity of the development. She advised that hot water heat pumps work in a similar way to air source heat pumps but they only heat water.

The Committee were advised that the transfer of land to extend Bedelands Nature Reserve was secured in the outline planning permission as part of the Section 106 agreement.

The Chairman noted that people wanted sustainable transport and more cycle routes, he thanked the developers.

A Member suggested this application would set a template for the next phases of the Northern Arc development, and they supported the application.

As there were no further questions or contributions the Chairman took the Members to the recommendation. This was proposed by Councillor Marsh and seconded by Councillor Laband and was unanimously approved.

RESOLVED

That 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.

None.

The meeting finished at 4.20 pm

Chairman

MID SUSSEX DISTRICT COUNCIL

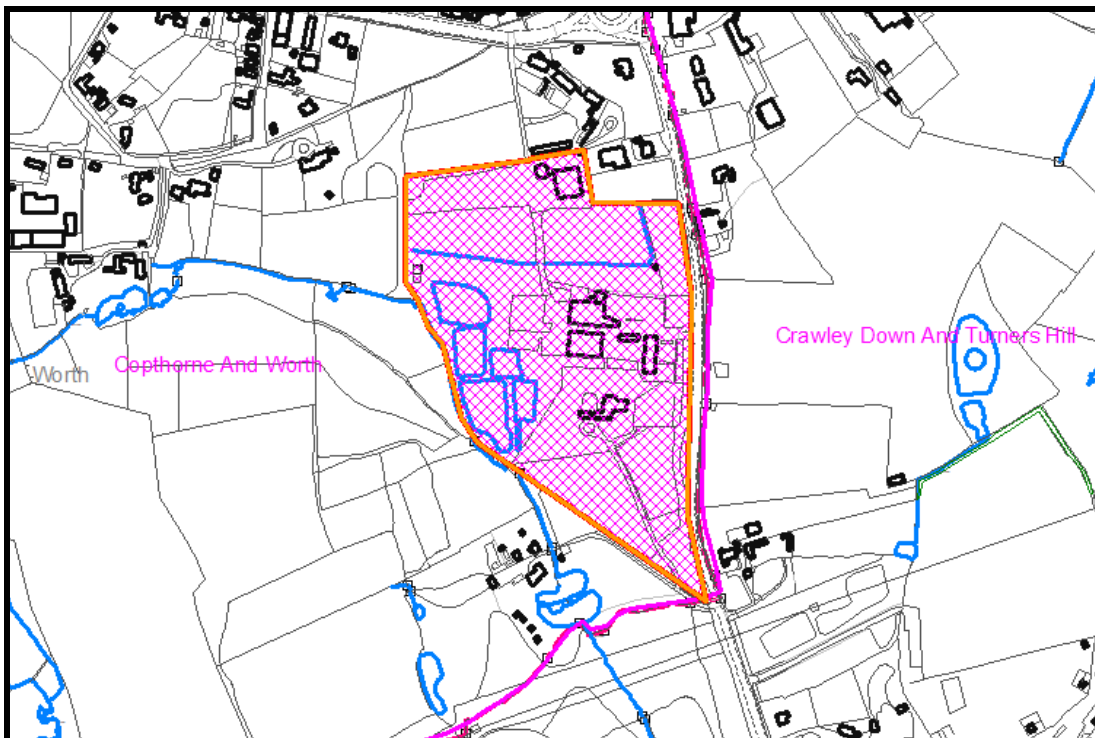
District Wide Committee

16 JUN 2022

RECOMMENDED FOR PERMISSION

Worth

DM/20/4127



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BARNS COURT AND FRIDAY FARM TURNERS HILL ROAD CRAWLEY DOWN WEST SUSSEX RH10 4HQ

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: 18th March 2022

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.

This planning application was reported to the District Planning Committee on 16th September 2021. The Committee resolved to approve the planning application subject to the conditions set out in the report and 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.

The legal agreement is nearing completion. In the course of seeking to complete the legal agreement an issue has arisen in relation to the proposed mitigation works on

the Dukes Head roundabout. This report will clarify for Members what is proposed in relation to the offsite highways works. The report will also update the planning policy position which has changed since the September committee meeting, with the Copthorne Neighbourhood Plan now being a 'made' plan which forms part of the development plan for the area.

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 Copthorne Neighbourhood Plan (CNP).

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 a financial contribution towards 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 Public Right of Way (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 polices DP17, DP21, DP22, DP26, DP37, DP38, DP39 and DP41 of the DP. However the scheme does not fully comply with polices DP1, DP12 and DP14 and there is conflict with DP34. It is considered the application complies with polices CNP1, CNP10 CA3, CNP13 and CNP14 in the CNP.

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.

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 contribution towards offsite improvements to the Dukes Head roundabout and the section of pavement adjacent to the Turners Hill Road, planning permission be granted subject to the conditions set out in Appendix A.

Recommendation B

If by 15th September 2022 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 assess 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 CONSULTTEES (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.

This planning application was reported to the District Planning Committee on 16th September 2021. The Committee resolved to approve the planning application subject to the conditions set out in the report and 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.

The legal agreement is nearing completion. In the course of seeking to complete the legal agreement an issue has arisen in relation to the proposed mitigation works on the Dukes Head roundabout. This report will clarify for Members what is proposed in relation to the offsite highways works. The report will also update the planning policy position which has changed since the September committee meeting, with the Copthorne Neighbourhood Plan (CNP) now being a 'made' plan which forms part of the development plan for the area.

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.

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

In the report for the September committee meeting it was stated that the boundary of the Crawley Down Neighbourhood Plan included a small section of the site by the entrance onto the highway. Further investigation has established that the entirety of the site is within the CNP.

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

Copthorne Neighbourhood Plan

The Copthorne Neighbourhood Plan (CNP) was made on 29th September 2021 and is part of the development plan. 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.

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 although his report is expected imminently.

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 that 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.

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 District Plan policies that are in place now.

The majority of the site lies within an area defined under policy CNP10 in the CNP 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 designed to minimise the extent and significance of manmade features and views of agricultural landscapes, such as pylons, agricultural vehicles or caravans.'

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 CNP states:

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

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.'

Policy CNP1.1 in the CNP states in part:

'Proposals for new development should not cause unacceptable harm to the amenity (including general activity, access, noise, privacy, daylight, and sunlight) of existing and future occupants, both on site and nearby.'

There is therefore some conflict between this policy which refers to 'unacceptable harm' and policy DP26 in the DP which refers to 'significant harm'. Where there is such conflict, in accordance with planning law, it is the policy in the most recently adopted plan which takes precedence, which is the CNP.

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 unacceptable harm caused to the amenities of

the surrounding properties from the additional commercial units proposed by this development and therefore no conflict with this part of policy CNP1.1 in the CNP or policy DP26 in the DP.

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

proving 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 the applicants have provided a plan that shows mitigation measures that could take place 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, which would be secured in a section 106 legal agreement.

At the District Planning Committee meeting on 16th September 2021 there were questions asked by Members about the offsite mitigation works that were proposed. The presentation to the Committee referred to drawing number JNY10683-05 which showed the proposed widening of the southern approach arm of the Dukes Head roundabout and it was stated that there would be physical improvement works to the roundabout, as shown on drawing number JNY10683-05.

During works to complete the legal agreement it has become apparent that it is not the preference of the Highway Authority for the works that were shown on drawing number JNY10683-05 to be delivered. Therefore the purpose of this report is to clarify this for Members.

The Highway Authority have clarified their position as follows:

'Junction Modelling

The modelling provided by the applicant indicates that without the development the junction would be operating over capacity in all scenarios (2020,2025 and 2031) when committed development and TEMPRO growth factors are applied. The modelling assumes that these developments would not need to provide any measures at the junction to mitigate their impact (over and above the secured improvement from Land West of Copthorne).

As you may be aware a number of sites are being promoted in the local area both within MSDC and within neighbouring Tandridge that would have the potential to increase flows at the junction that would all need to be assessed and if necessary mitigation provided. Rather than each of these sites providing a piecemeal approach of adding small improvements on top of each other to mitigate their own impacts it is suggested that contributions are pooled to identify and deliver a wider junction improvement.

DM/20/4127 Proposed scheme

The scheme proposed by this application is to widen the Turners Hill northbound flare to the junction from its existing 2 lane approach to 3. The change from single lane carriageway to three lanes at the stop line provides a modelling fix to the junction but in reality, vehicles may not be able to access all lanes due to their limited length, Should the scheme be delivered then departures from Standards applications would be required.

I'd also note a large amount of the costings for the contribution come from the Traffic Management/Preliminaries rather than the actual works.

For the reasons above it is WSCC Highways preference that the contribution is not limited to the delivery of works shown on plan titled Dukes Head Roundabout Proposed Junction Improvements ref JNY10683-05'

The Highway Authorities position is that they do not wish for the contribution of £52,718 that has been secured from the applicants to be ringfenced and limited

solely to the delivery of the works that are shown on plan number JNY10683-05. The Highway Authority would want to have the flexibility to be able to pool this contribution with other contributions to identify and provide a wider junction improvement on the Dukes Head roundabout.

It is your Planning Officers view that it is necessary for this point to be clarified for Members so that it is completely clear what the position of the Highway Authority is so Members can have regard to this in their decision making.

The Highway Authority advise that the proposal to widen the approach arm that is shown on drawing JNY10683-05 or equivalent mitigation is required to mitigate development impacts on the Dukes Head roundabout. It is important to note that the Highway Authority are not raising any highway objection to the proposed development, subject to this mitigation being secured.

The Highway Authority consider that with a scheme of mitigation works to the Dukes Head roundabout, there would be no grounds to resist this application based on capacity issues on the local highway network. It is the precise nature of the works that will be included in the legal agreement that this report is seeking to clarify for Members. The works could be the proposals that are shown on drawing JNY10683-05 or they could be an alternative scheme, which would be agreed at a future date, for works that would provide an equivalent benefit to those that are shown on drawing JNY10683-05. This would provide the flexibility within the section 106 legal agreement to allow a more comprehensive scheme for works to the roundabout to come forward, should there be other schemes that generate a requirement for this.

It is your Planning Officers view that this approach is acceptable. The Highway Authority are the statutory body that are responsible for the road network in Mid Sussex and their views on highway matters should be afforded significant weight.

At the District Planning Committee meeting on 16th September 2021 Members resolved to approve the application subject to the completion of a legal agreement to secure off site highway improvement works to the Dukes Head roundabout. The principle of securing off site highway improvement works remains the same: it is the nature of the proposed works that the Highway Authority want to have flexibility on, rather than being committed to the works shown on drawing JNY10683-05.

It is therefore considered that the flexibility that is sought in the section 106 legal agreement to deliver improvement works to the Dukes Head roundabout is acceptable.

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 existing 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 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.

Policy CNP14 of the CNP states:

'CNP14.1 Development proposals will be supported where they otherwise take account of other policies in the development plan and promote sustainable transport within the Plan Area by:

- a) Demonstrating that adequate sustainable transport links already exist, or new sustainable transport links will be provided as part of the development, to Important Community Facilities (set out in Policy CNP4) and open spaces.*
- b) Identifying and undertaking appropriate measures, such as highway improvements prior to new development being occupied, to address transport infrastructure inadequacies that the development would have caused.*
- c) Enhancing the existing public footpaths, rights of way, bridle paths, cycleways and twittens.*

CNP14.2 Proposals for new footpaths and/or cycle lanes, or other routes for non-motorised users will be supported, especially cycle and walking routes that would link Cophorne to the Worth Way, Crawley and East Grinstead.

CNP14.3 For new development, all off road parking spaces must be ready for electric charging. This means:

- a) The installation of electric car chargers. OR*
- b) The installation of cabling or ducting (designed to accommodate the easy installation of cabling in future) between the relevant consumer unit and location designed for the installation of a car charger in future.*

CNP14.4 The provision of additional or replacement airport related parking, including long and short-term parking for passenger vehicles, will not be permitted.'

The applicants have confirmed that they are intending to future proof the site with ducting for EV charging for all car parking spaces in accordance with policy CNP14. As set out earlier in the report, the application proposes improvement to the public right of way within the site, a new section of footway adjacent to the Turners Hill Road and improvements to the Dukes Head Roundabout. The proposal therefore complies with policy CNP14 of the CNP.

Conclusions on access and transport

To summarise, the Highway Authority have no objection to the application, subject to a financial contribution towards offsite improvements to the Dukes Head Roundabout. 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.

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 Council's 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 Council's 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 Council's 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 assessment⁵⁵. 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 Council's 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 Council's 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 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.'*

The 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 CNP.

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 a financial contribution towards 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 such a contribution secured, 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 polices DP17, DP21, DP22, DP26, DP37, DP38, DP39 and DP41 of the DP. However the scheme does not fully comply with polices DP1, DP12 and DP14 and there is conflict with DP34. It is considered the application complies with polices CNP1, CNP10 CA3, CNP13 and CNP14 in the CNP.

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.

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.

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 and 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

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: lqwcranes@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	920205-1		03.11.2020
Survey	920205-2		03.11.2020
Survey	920205-3		03.11.2020
Survey	920205-4		03.11.2020
Tree Survey	920205		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 splays in line with recorded speeds;
- GG119 Appendix F compliant designers' response (in word format directly to me); and
- Revised Travel Plan.

WSSC Lead Local Flood Authority

West Sussex County Council (WSSC), in its capacity as the Lead Local Flood Authority (LLFA), has been consulted on the above proposed development in respect of surface water drainage.

The following is the comments of the LLFA relating to surface water drainage and flood risk for the proposed development and any associated observations, recommendations and advice.

Flood Risk Summary

Current surface water flood risk based on 30year and 100year events	Low risk
<p>Comments: Current surface water mapping shows that the 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: Modification: More Information:
 Objection: No Objection: Refusal:

Total number of hydrants required

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 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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