

MID SUSSEX DISTRICT COUNCIL

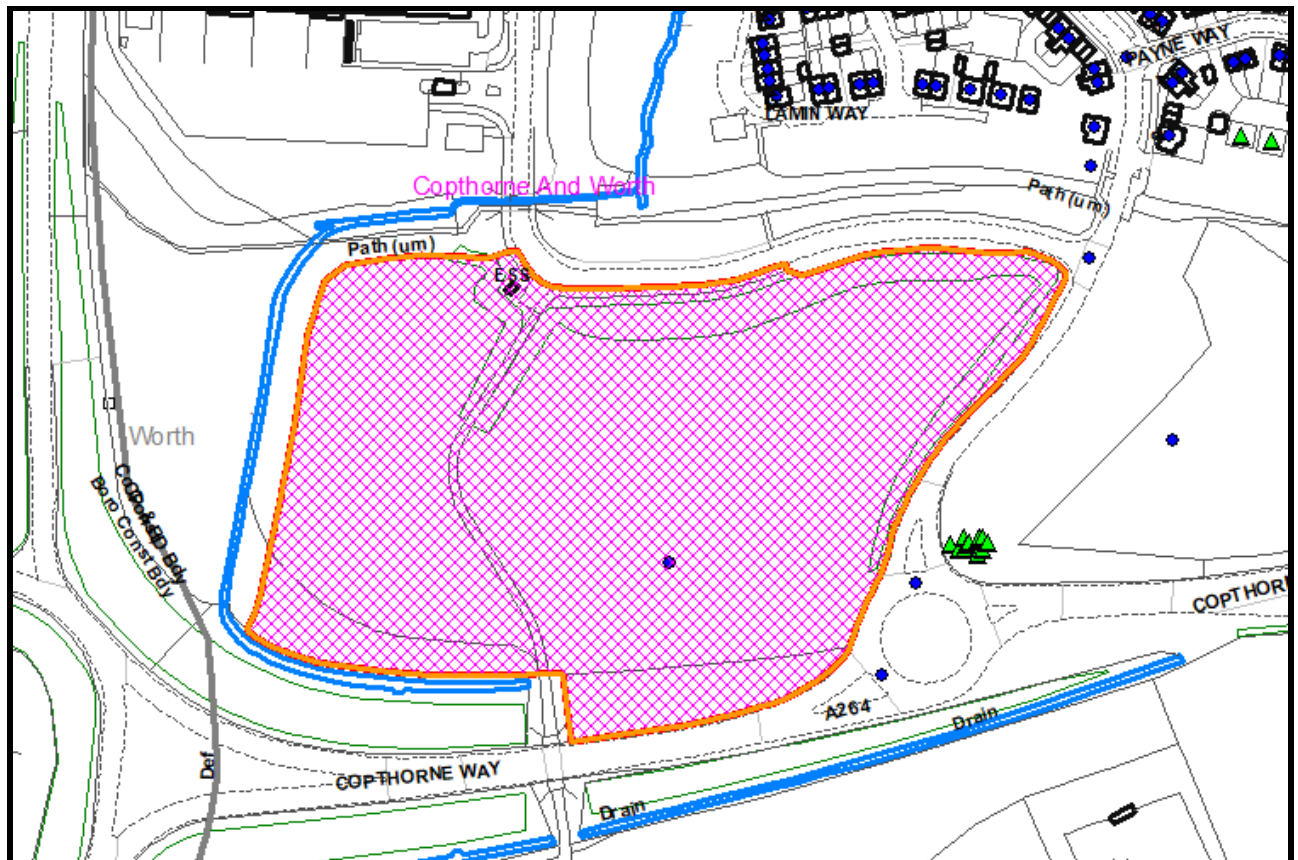
District Wide Committee

21 JUL 2022

RECOMMENDED FOR PERMISSION

Worth

DM/21/3805



© Crown Copyright and database rights 2022 Ordnance Survey 100021794

**BARBOUR DRIVE COPTHORNE WEST SUSSEX
CONSTRUCTION OF A BUILDING FALLING WITHIN USE CLASS B8
(STORAGE AND DISTRIBUTION) INCLUDING ANCILLARY OFFICES,
ASSOCIATED HARD AND SOFT LANDSCAPING, PARKING, ACCESS
AND ANCILLARY WORKS. (ADDITIONAL INFORMATION RECIEVED ON
THE 2ND MARCH IN RESPONSE TO THE CONSULTATION COMMENTS)
ST MODWEN DEVELOPMENTS LTD**

POLICY: Area of Special Control of Adverts / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Methane Gas Safeguarding / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Radar Safeguarding (NATS)) / Highways Agreement (WSCC) /

ODPM CODE: Largescale Major Manufacturing

13 WEEK DATE: 17th June 2022

WARD MEMBERS: Cllr Christopher Phillips / Cllr Bruce Forbes /

CASE OFFICER: Stephen Ashdown

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Full planning permission is sought for the erection of a single employment building for storage and distribution (Use Class B8), providing a total of 10,769sqm of floorspace on land north of the A264 Copthorne Way, Copthorne.

The Council approved a Sites Allocation Development Plan Document (SADPD) on the 29th June 2022 and the application site is proposed for development, for employment purposes, within this document and SA4 refers. It should also be noted that as part of the DPD, changes to the built up area boundary of Copthorne were approved to include the application site and the extent of the built form of the Heathy Wood development to the north.

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), the SADPD and the Copthorne Neighbourhood Plan (NP).

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.

The principle of development on the site is established through its allocation for

employment use in policy SA4 of the SADPD. The proposed single B8 use will generate an approximate 150 employment opportunities, however, the allocation envisaged a mix of Class E(g) (Business/Light Industrial) and B8 (Storage and Distribution) uses. The wording of policy does not prescribe figures or a range to any one particular use, and the applicant has provided evidence to support their single use development. While it is clear that the proposed single use does not strictly comply with the requirements of the allocation policy, it is considered that the applicant has provided a robust justification for their proposal in this regard.

It is considered that proposal does provide for a high-quality layout and design. While the proposed building is large, the elevations/finishes have been carefully considered to help reduce its apparent massing. A significant amount of landscaping is proposed to the south/east of the building to provide a screen and an inviting landscape setting for the development itself. It is not considered that development, given its context, would have an unacceptable impact on general character and appearance of the area. The layout also makes provision of the permissive footpath/cycle through the site. It is considered that the application complies with policies DP26 and DP37 of the District Plan, policy SA4 of the Site Allocations DPD, policy CNP10 of the Neighbourhood Plan and the Council's Design Guide in respect of these matters.

With regard to highway matters, the application has been considered by both the Local Highway Authority and National Highways (due to potential impact on the M23) and they have confirmed that the proposed development will not result in any unacceptable highway safety issues or have a severe impact on the capacity of the local and strategic road networks. The proposed level of parking is acceptable to meet the needs of the development and a Travel Plan can be secured via a condition to promote alternative modes of travel to and from the site. It is considered that the application complies with policy DP21 of the District Plan, policies SA GEN and SA4 of the Site Allocation DPD, policy CNP14 of Neighbourhood Plan and the guidance contained within the NPPF.

With regard to biodiversity, the proposed development will not result in the loss of any significant (in terms of value) habitats, and no protected species have been found on the site. Taking into account the proposed landscaping scheme (which will be secured via condition), the development will result in biodiversity net gain of approximately 39%, over the current baseline. It is considered that the application complies with policy DP38 of the District Plan, policy SA GEN of the Site Allocation DPD and guidance set out in the NPPF in respect to this matter.

The proposed development will incorporate a range of measures to improve its sustainability, which in addition to a fabric first approach to construction, will include an air source heat pump, the installation of 2,408 PV panels to the roof and 30 EV charging spaces within the car park. The proposed development will provide a slight reduction in CO2 emissions than that required under the new Part L (2022) Building Regulations. Furthermore, the proposed EV charging provision exceeds the standard Building Regulation requirements. It is considered that the application complies with policies DP39 and DP42 of the District Plan policy SA GEN of the Site Allocation DPD and principles of the Council's Design Guide.

It is not considered that the application will have neutral impacts in respect of drainage, land contamination and its impact on the Ashdown Forest SAC/SPA.

In respect of the proposals impact on neighbouring residential amenity, the appropriate test that takes precedence in this instance is that set out in SA4 of the SADPD, as it is the most recently adopted. This refers to no negative impacts. While officers are content that there will no negative impact in relation to light pollution or air quality, it is recognised that night-time noise from increased traffic movements using Barbour Drive will be audible to nearby residents. While there is no evidence to suggest that the proposed noise would be unacceptable in its own right, there will be an impact and as a result the proposal conflicts with the wording of policy SA4 in relation to this matter.

It is recognised that there are specific aspects of the proposed development that conflict with the wording of policy SA4, namely the single B8 use and the impact of night-time noise traffic on nearby residents. While these are matters that weigh against the application, it needs to be acknowledged that in respect of all other matters it is considered that the proposal complies with the Development Plan.

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.

Given the above and having regard to all matters, it is considered that the application complies with the Development Plan, when taken as whole.

Subject to the suitable conditions, and the completion of the Unilateral Undertaking to secure the TAD contribution (£281,418) with WSCC, it is considered that the application complies with policies DP1, DP17, DP20, DP21, DP, DP29, DP37, DP38, D39, DP40 and DP41 of the Mid Sussex District Plan, policies SA4, SA38 and SA GEN of Site Allocations Development Plan Document, policies CNP1, CNP10, CNP13 and CNP14 of the Copthorne Neighbourhood Plan, the Mid Sussex Design Guide, the NPPF and can be supported.

RECOMMENDATION

It is recommended that planning permission is granted subject to the conditions set out in Appendix A and the completion of a Unilateral Undertaking to secure TAD contribution with WSCC.

SUMMARY OF REPRESENTATIONS

Three letters of representation received raising the following objections;

- Light pollution, lights on existing building already have an impact and this building will be closer and will have an overbearing impact
- Intrusion into the countryside
- Loss of green space which is an area for wildlife
- The traffic to the existing units already causes congestion and adding the proposed additional movements will cause even more problems
- Additional commercial vehicle movements are likely to conflict with school children when school is built
- Increase noise and disturbance from vehicles. Already an issue with existing units that operate 24hrs a day
- Loss of outlook
- If development is to proceed, then additional tree screening should be provided

SUMMARY OF CONSULTATIONS (Full comments are available in Appendix B and on the file)

MSDC Environmental Protection Officer

No objection

MSDC Drainage Officer

No objection

MSDC Tree and Landscape Officer

No objection - suggested some alternative species.

MSDC Contaminated Land Officer

No objection subject to conditions

WSCC Highways

No objection

WSCC Lead Local Flood Authority

No objection.

Fire and Rescue Service

No objection subject to the condition requiring a fire hydrant.

Thames Water

To be reported

Highways England

Recommend that conditions should be attached to any planning permission that may be granted.

Gatwick Airport

No objection subject to conditions

WORTH PARISH COUNCIL

Defer to officer, but should the officer be minded to propose permission, ask that the application is called in.

Previous comments made on 11th January 2022

Defer to officer and note that despite the reduction in size the proposed building it still looks too big for the site.

INTRODUCTION

Full planning permission is sought for the erection of a single employment building for storage and distribution (Use Class B8), providing a total of 10,769sqm of floorspace on land north of the A264 Copthorne Way, Copthorne.

RELEVANT PLANNING HISTORY

13/04127/OUTES - Outline planning application for up to 500 homes, a primary school and doctor's 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, with a principal vehicular access from the A264 and a secondary vehicular access from Shipley Bridge Lane with all matters reserved except for access. Approved 25th May 2016.

DM/17/4875 - Reserved Matters application for the access road to the employment area (phase A4), cycle/footpath (phase A5iii), strategic landscape and land forming for phase L1 (including re-use of material from the excavations required to form the access roads to the site), a foul water pumping station and an electricity substation; pursuant to outline planning permission 13/04127/OUTES as amended by DM/17/1979. Approved 19th April 2018.

SITE AND SURROUNDINGS

The site covers approximately 4.05ha and sits between the A264 Copthorne Way, to the south, and Barbour Drive to the north. It is currently formed of open land, with a central plateau raised above its surroundings. The site has been subject to historical inert landfill activity, with the topography more recently remodelled to take into account the infrastructure development associated with the Heathy Wood development, this includes the provision of cycle path across the site to an underpass beneath of the A264 to the south.

The northern boundary of the site is defined by Barbour Drive, a private road that provides access to two commercial buildings, beyond which there is a significant belt of trees. To the northeast of this belt lies the residential development known as Heathy Wood, while to the northwest lies to the two commercial units, known as St Modwen Park Gatwick.

To the east of the site is Worsell Drive, a recently constructed road that provides access to the Heathy Wood development (residential and commercial) from the A264, again from a recently constructed new roundabout.

The south boundary of site is characterised small valley feature that sits between the A264 and the main plateau of the site. The site is exposed to the A264 in its south-eastern corner opposite the recently constructed roundabout, but a woodland belt provides screening to the southwestern corner of the site, adjacent to approach to the Crawley Interchange (M23 J10) roundabout and also along its western boundary with the M23 off slip road.

APPLICATION DETAILS

Full planning permission is sought for the erection of a B8 employment building (storage and distribution) with associated soft and hard landscaping, parking, access and ancillary structures.

The proposed building will provide a total of 10,769 sqm of accommodation, comprising 9,222 sqm of warehousing, 1,113 sqm of ancillary office and welfare accommodation and the 34 sqm roof deck access stair.

The main warehouse element of the building will measure approximately 145m by 68m, with the shallow pitch roof hidden behind parapets that will give an overall height of 15.5m from finished floor level. The building provides for a clear internal haunch height 12.5m. The ancillary offices and welfare accommodation will be attached to the eastern end of the building and will measure approximately 57m by 12m, set over two levels, with a roof deck stair access resulting in an overall height for this element of approximately 11.5m.

It is proposed that the building will be clad using both vertical and horizontal systems utilising a neutral palette of materials to add visual interest and break up the visual massing of the building.

Access to the site will be taken from Barbour Drive, which also serves the existing two commercial buildings to the north of the site. It is proposed that the commercial vehicles will utilise an entrance at the north-western end of the site, while customers and staff will use a separate entrance further to the east that provides access to the car park. In total, 129 car park spaces are proposed (some of which will have EV charging), with 34 HGV spaces (including loading and servicing bays), along with separate cycle parking spaces.

It is proposed that the building will operate 24 hours a day.

A comprehensive landscaping scheme is proposed that aims to integrate biodiversity and sustainable drainage measures, as well provide an attractive setting to and environment for building, in addition to screening external views. As part of the proposals, the existing cycle path will be re-routed around the proposed building.

The proposals includes a range of sustainability measures to reduce carbon dioxide emissions and energy demand, as well as supplying energy more efficiently. Measures include the installation of an air source heat pump and solar photovoltaic (PV) panels to the roof.

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), the Site Allocations Development Plan Document (SADPD), and the Copthorne Neighbourhood Plan (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.

LIST OF POLICIES

Mid Sussex District Plan 2014-2031

DP1 - Sustainable Economic Development
DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
DP20 - Securing Infrastructure
DP21 - Transport
DP26 - Character and Design
DP37 - Trees, Woodland and Hedgerows
DP38 - Biodiversity
DP39 - Sustainable Design and Construction
DP41 - Flood Risk and Drainage
DP42 - Water Infrastructure and the Water Environment

Mid Sussex Site Allocations Development Plan Document

Adopted by Council on 29th June 2020 and it is now part of the Development Plan for the District and should be afforded full weight.

SA GEN - General Principles for Site Allocations
SA4 - Land north of A264 at Junction 10 of M23 (Employment Area)
SA38 - Air Quality

Copthorne Neighbourhood Plan

The Council formally adopted the Copthorne Neighbourhood Plan on 29th September 2021.

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

Mid Sussex Design Guide Supplementary Planning Document (SPD)

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context

and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

National Design Guide

Ministerial Statement and Design Guide

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

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

ASSESSMENT

With this in the mind the main issues that need to be considered in the determination of this application are as follows.

- Principle of Development
- Proposed use
- Design, Layout and Visual Impact
- Residential Amenity
- Highways and Parking Matters
- Biodiversity
- Sustainability
- Drainage
- Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
- Infrastructure
- Other Matters
- Planning Balance and Conclusion

Principle of Development

The consideration of the policy context for this proposal starts with the District Plan, where policy DP1 is of relevance.

Policy DP1 deals with sustainable economic development and sets out that the '*total number jobs required within the district over the plan period is estimated to be an average of 543 jobs per year*'. It states this will be achieved by;

- *'Encouraging high quality development of land and premises to meet the needs of the 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'.*

The policy sets out that provision for new employment land and premises will be made by a number of different means, through the allocation of a high quality business park in Burgess Hill, incorporating employment provision within large scale housing development (where appropriate), allowing small-scale development in the countryside and by *'Allocating further sites within the Site Allocations DPD'*.

The Council approved a Sites Allocation Development Plan Document (SADPD) on the 29th June 2022 and the application site is proposed for development, for employment purposes, within this document, SA4 refers. It should also be noted that as part of the SADPD, changes to the built up area boundary of Copthorne were approved to include the application site and the extent of the built form of the Heathy Wood development to the north.

SA4 is relevant to the determination of this application, and it states;

'Allocation:

Employment land within use classes E(g) (Business/Light Industrial) and B8 (Storage and Distribution) are appropriate for this site, and proposals for these uses will be supported. Proposals must demonstrate that there is a mix of E(g)/ B8 uses on-site, and clearly set out the justification for the quantum of development proposed for each use.

Site Specific Requirements:

- *Proposals must demonstrate that there is a mix of E(g)/ B8 uses on-site, and clearly set out the justification for the quantum of development proposed for each use.*
- *Proposals should ensure there will be no negative impacts on neighbouring residential amenity.*
- *Proposals that include enabling non-business use classes in addition to business use will only be permitted where it has been clearly demonstrated with substantiated evidence, which may include a sequential test, impact assessment and viability assessment, that proposals for only business uses (E(g) and B8) are not economically viable.*

- *Development must be of high-quality design and layout, in accordance with DP26: Design.*
- *Provide a comprehensive landscaping scheme for the site in order to create an appropriate setting and landscaped context for the new development. A landscape screen should be included on the southern boundary of the site to ensure it would not be dominant in the landscape.*
- *Incorporate the permissive footpath/cycle path within the site layout or identify its relocation as part of the detailed design proposal.'*

In light of the above, the principle of development on the site is acceptable and the details of the proposals be assessed against the site specific requirements of SA4 and other relevant policies in the DP. This assessment is set out in the remainder of the report below.

Proposed Use

In respect of proposed uses, one of the site specific requirements of policy SA4 states;

'Proposals must demonstrate that there is a mix of E(g)/B8 uses on-site, and clearly set out the justification of the quantum of development proposed for each use.'

As set out in the application details above, the application proposal is for a single building falling within the B8 Use Class (storage and distribution).

It should be noted that the applicants do not consider that the site is sufficiently large enough for a mix of E(g) and B8 Uses. In reaching this conclusion they set out that the proposals have been designed following discussions with a potential occupier, and that a smaller unit would not be suitable. They consider this viable B8 Use leaves no space for a separate E(g) Use alongside and were it to be considered, it would have significant impact on the amount of landscaping and screening that could be achieved, which would have implications design success of the scheme and its visual impact on the surrounding area.

Furthermore, in support of their application, the applicants have submitted a 'Employment Land Need and Market Review' report to provide a justification that B8 use is the predominant use both needed and demanded in this location. The report provides analysis of the supply of available units in the Gatwick market area to show that there is a shortage of large units serving this market. The applicant also highlights that it should be noted that analysis indicates that the supply of industrial units in the market area is saturated by smaller sized units, with nothing available over 9,300 sqm. They consider that the proposed development meets both the long term need for employment and the short to medium term demand for industrial floorspace in respect of the use and the larger unit size.

The applicants also set out that the proposed unit provides ancillary office accommodation (E(g) Use) for the administrative function of the building. They state that the offices occupy around 10% of the proposed unit and will provide for

approximately 30 employment opportunities, in addition to the approximate 120 employment opportunities related to the warehouse and distribution (B8 Use). They consider that the approximate 150 employment opportunities generated by this proposal will contribute significantly to the overall provision of employment in the locality, in line with policy DP1.

The applicants submissions regarding the single use on site have been carefully considered and the creation of approximately 150 employment opportunities for the locality is significant. While a mix of uses on the site would be preferred, the wording of the allocation does not prescribe figures or a range to any one particular use and the evidence provided in support of application in regard to this matter is persuasive. Paragraph 83 of the NPPF is of relevance and states;

'Planning policies and decisions should recognise and address specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.'

The sites direct access to the A264 and the adjacent M23 make it an extremely attractive proposition for a storage and distribution use (B8) and accords with the guidance set above in the NPPF, which is a material consideration.

While it is clear that the proposed single use does not strictly comply with the requirements of the allocation, in respect of a mix of uses, your officers are content that the applicant has provided a robust justification for their proposal in this regard. This matter will need to be considered in the overall planning balance.

Design, layout and Visual Impact

Policy DP26 of the District Plan deals with design matters and sets out that *'all development and surrounding spaces.....will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside'*. It sets out, inter alia, that all applicants will need to demonstrate that their development;

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment;*
- *Positively addresses sustainability considerations in the layout and the building design'*
- Site allocation policy SA4 sets out a number of site specific requirements relating to layout and design, and they are;
- *'Development must be of high-quality design and layout, in accordance with DP26: Design.*

- *Provide a comprehensive landscaping scheme for the site in order to create an appropriate setting and landscaped context for the new development. A landscape screen should be included on the southern boundary of the site to ensure it would not dominate in the landscape.*
- *Incorporate the permissive footpath/cycle path within the site layout or identify its relocation as part of the detailed design proposal'.*

Policy D37 deals with trees, woodlands and hedgerows, where it supports the protection and enhancement of trees, woodland and hedgerows, and encourages new planting. Where new trees are planted they should be native and where required for visual, noise or light screening purposes be appropriate to achieve this purpose.

Chapter 7 of the Council's Design Guide SPD is also relevant as it specifically deals with 'Business parks/Employment Areas'. Principle DG43 relates to the layout and sets out that care should be taken to ensure that new commercial buildings do not adversely impose on their surroundings, due to their size and scale. More specifically, it provides the following guidance on layout;

'Development in employment areas should normally be 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 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 serving softened/screened with vegetation and located at the rear of buildings where it has less impact upon the public realm.'*

Principle DG44 concentrates the design of commercial buildings and sets out, inter alia, the following guidance;

'On business parks and industrial estates as a general principle, the landscape and public realm should form the dominant feature within employment areas with the buildings forming a more neutral background. As such, the design of simple, rectilinear buildings within the landscape is promoted.

New commercial buildings should reduce their impact upon the environment by incorporating the sustainability principles set out in DG37.

The design of commercial buildings must consider:

- *Measures to create a more human scale for example through the vertical articulation / subdivision of the facade;*
- *Careful selection of facing materials that blend with the surroundings and/or complement existing adjacent buildings.*

- *The location of reception areas and office space so that it positively contributes to the surveillance of entrance areas and forecourts.*
- *The location and coordination of signage to minimise its impact and ensure that signage on buildings is not overbearing on the surrounds or out of proportion with the scale of buildings; and*
- *Measures to mitigate the impact of their height/bulk. For example, low profile pitches/barrel vault roofs may be preferable to angular flat roofs. Green roofs should be considered where appropriate'*

The NPPF sets out in paragraph 126 that:

'the creation of high-quality, beautiful and sustainable buildings and places is fundamental to what planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'.

Paragraph 130 sets out criteria against which decisions should be taken and they reflect those set out in policy DP26 of the District Plan.

Layout

The proposed layout places the building to the south/south-eastern part of the site, with the service yard on its northern side, facing Barbour Drive, and the ancillary office accommodation placed on its eastern elevation, fronting Worsell Drive / A264 Copthorne Way Roundabout. An extensive landscape area along the eastern and south/south-eastern boundaries provide the development a buffer to the most prominent public views, while also creating an amenity area and landscape setting for the building itself.

The permissive path that currently cuts through the centre of the site will be re-routed around the eastern side of the car park, along the southern side of the building until re-joining its current alignment, by the underpass under the A264.

The proposed arrangements make the best use of the site and push the building as far as practicable possible from the residential phases of the Heathy Wood development, which lies to the north/north-east. In doing so it has allowed the eastern side of the site (which is the most visually sensitive/prominent) to be the focus, of a large amenity area for the future employees, in addition to the extensive landscaping.

It is considered that the proposed layout meets the guidance set out in principle DG43 of the Council's Design Guide.

Design and Appearance of Building

In describing the design approach, the supporting Design and Access statements states;

'The underlying principle of the proposed design is to provide a building that offers architectural character, while adding quality and aesthetic enhancement to the

immediate vicinity. The proposed unit represents a high quality industrial commercial building that integrates well with its surrounding context.

The use of contemporary industrial detailing is consistent with the developers design code. The elevations have been detailed to punctuate key features of the buildings such as bookends to the corners and feature banding to accentuate the office entrance. The use of varying cladding profiles and colours along with full height glazing raise the aesthetic quality and serve to break down the overall uniformity of the design whilst offering excellent longevity and durability.

The elevational treatment has been designed to minimise the visual impact of the buildings but provide a strong form with architectural interest. Cladding panels, in graduating shades of grey have been used to emphasize elements of the structure, with horizontal and vertical forms creating juxtaposition between the different components of the scheme. The main elements of the building have been clad in profiled metal cladding with lighter colours on the higher elements of the building to assist in reducing the apparent height, by fading the building to its parapet'.

It is considered that the elevation al treatment, which will be clad in a mixture of vertical and horizontal profiled metal cladding, with lighter colours on the higher elements of the building, will help assist in reducing its perceived height. The ancillary office accommodation that is located at the eastern end of the building, is to be two storey element in height and provides for a more human scale to what is overall a very large commercial building. The differing external treatment of this element, with its prefiltration of glazing, provides an active frontage that not only responds to the immediate surrounds of the adjacent parking area and amenity area, but also the approaches from the surrounding road network.

It is considered that the design reflects the simple, rectilinear, form encourage by principle DG44 of the Council's Design Guide and that it represents the high quality required by policy DP26 of the District Plan and the policy SA4 of the Site Allocation DPD.

Impact on Character and Appearance of the Area

The application has been supported by a Landscape and Visual Appraisal which seeks to identify, and assess, any potential landscape and visual effects of the proposed development.

The site does not lie within a national designated area of landscape quality, however all land contained within the NP is located to one of five character areas. In this case the site is located within CA3: Copthorne Common and Woodland, where policy CNP10 is relevant. Its states;

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

sections 4.6 and 4.7 of the Copthorne Heritage and Character Assessment (May 2019).

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

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

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

It should be noted that with the adoption of the SADPD the site is now located within the defined built area of the Copthorne and while this does not necessarily conflict with the designated character area of the NP, it should be remembered when considering the overall impact on the character and appearance of the area.

In regard to this issue, consideration should also be given to the proposed landscaping scheme, which seeks to retain the existing woodland elements along the southern and western parts of the site and introduce extensive landscaping to the south-eastern and parts of the site. No trees are proposed to be removed as part of the development.

The main conclusions of applicants Landscape and Visual Assessment are set out below;

'The landscape assessment concluded that the size and scale of change for all landscape receptors would be negligible when assessed against the consented Outline Application which forms the baseline of the assessment. Fundamentally, a large commercial building up to 15.48 metres, within a landscape where large commercial structures up to 15.1m tall have already been permitted, adjacent to areas of new residential development, would result in negligible changes to landscape receptors. The proposed development has the potential to result in localised minor and negative landscape effects. The overall character of the High Weald Plateau LCA would experience only minor effects, since in this locality the LCA is already characterised by large scale infrastructure, residential development and employment uses, all set within a matrix of mature woodland.

The visual effects of the proposed development would be very localised as a result of existing woodland and recently constructed commercial buildings which help to contain views. It has been assessed that there would be at most minor/moderate visual effects on residential receptors to the north-east, moderate visual effects on the walkers along the closest Footpath (FP2W) which extends along to the north of the site and minor/moderate visual effects on vehicle users in close proximity to the site. All visual effects would reduce over time as proposed tree and scrub planting progressively screens views.'

Officers agree with the general findings of the applicants assessment.

It is accepted that the proposal is a large commercial building, on what is a current open, vacant (albeit allocated for development) site, and as such any new built form will have an impact. The applicant is proposing to drop the finished floor level of the building below current site levels, while providing landscaped bunding to the south-east and eastern boundaries of the site, in addition to significant tree planting. In addition, the proposed design and finish of the building is aimed at reducing its perceived bulk.

The retention of the existing woodland areas will help provide some screening of the development from the west, however when approaching the site from the east and from the Heathy Wood development to the north, the development will be apparent, but over the time the proposed landscaping will help soften its impact. The applicants have largely taken on board your Tree Officer's comments, in respect of species, and the proposed landscaping is considered to be appropriate and in accordance with policy DP37 of the District Plan.

Having regard for the above, as the site is allocated, it will be developed. While the proposal is large, it is well designed and appropriate landscaping is proposed that will help reduce its impact, over time. Given the context of the sites surroundings (Heathy Wood development, Gatwick commercial development, A264 roundabout and the M23/junction 10) it is considered that the proposal will sustain, and not detract from, the positive aspects of the wider NP designated character area it finds itself within. The impact of the development on the character and appearance of the area is considered acceptable.

In conclusion on all these matters, it is considered that proposal does provide for a high-quality layout and design. While the proposed building is large, the elevations/finishing has been carefully considered to help reduce its apparent massing. A significant amount of landscaping is proposed to the south/east of the building to provide a screen and an inviting landscape setting for the development itself. It is not considered that development, given its context, would have an unacceptable impact on general character and appearance of the area.

It is considered that the application complies with policies DP26 and DP37 of the District Plan, policy SA4 of the Site Allocations DPD, policy CNP10 of the Neighbourhood Plan and the Council's Design Guide.

Residential Amenity

Policy D26 (Character and Design) sets out, inter alia, the approach to dealing with residential amenity issues, and states;

' All applicants will be required to demonstrate that development:

- Does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see policy DP29)..'*

Policy DP29 deals specifically with noise, air and light pollution and 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.'

Turning to the specific site allocation policy, SA4, of the DPD, in relation to residential amenity impacts it states;

'Proposals should ensure there will be no negative impacts on neighbouring residential amenity.'

Also, within the Site Allocations DPD, and of relevance in the consideration of this issue, is policy SA38 which deals air quality. Its states;

'The Council will require applicants to demonstrate that there is not unacceptable impact on air quality. The development should minimise any air quality impacts, including cumulative impacts from committed developments, both during the construction process and lifetime of the completed development, either through a redesign of the development proposal or, where this is not possible or sufficient, through appropriate mitigation.'

Where sensitive development is proposed in areas of existing poor air quality and/ or where major development is proposed, including the development types set out in the Council's current guidance (Air Quality and Emissions Mitigation Guidance for Sussex (2019 or as updated)) an air quality assessment will be required.

Development proposals that are likely to have an impact on local air quality, including those in or within relevant proximity to existing or potential Air Quality Management Areas (AQMAs), will need to demonstrate measures/ mitigation that are incorporated into the design to minimise any impacts associated with air quality.

Mitigation measures will need to demonstrate how the proposal would make a positive contribution towards the aims of the Council's Air Quality Action Plan and be consistent with the Council's current guidance as stated above.

Mitigation measures will be secured either through a negotiation on a scheme, or via the use of planning condition and/ or planning obligation depending on the scale and nature of the development and its associated impacts on air quality.

In order to prevent adverse effects on the Ashdown Forest SPA and SAC, new development likely to result in increased traffic may be expected to demonstrate how any air quality impacts, including in combination impacts, have been considered in relation to the Ashdown Forest SAC. Any development likely to have a significant effect, either alone or in combination with other development, will be required to demonstrate that adequate measures are put in place to avoid or mitigate for any potential adverse effects.'

Policy CNP1.1 in the CNP states, inter alia:

'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.'

Having regard to the above policy position, there is some conflict between how policies DP26 of the DP, CNP1.1 of the CNP and SA4 of the SADPD refer to the level of harm that needs to be considered in respect of amenity. Policy DP26 refers to 'significant harm', policy CNP1.1 refers to 'unacceptable harm', while policy SA4 refers to 'no negative impacts'. Where there is such conflict, in accordance with planning law, it is the policy in the most recently adopted plan which takes precedence, which in this case is the recently adopted SADPD.

Furthermore, there is also some conflict between parts of policy DP29 of the DP and the policy SA38 of the SADPD, in respect of the issue of air quality. The former policy refers to 'unacceptable levels of air pollution', while policy SA38 refers to 'minimising any air quality impacts'. Again, given the conflict, and in accordance with planning law, the most recently adopted policy SA38 of the SADPD should be used to consider the issue of the air quality in this case.

The nearest residential properties to the proposal lie to the north within phase 1 of the Heathy Wood development. The properties are located on the northern side of the Lamin Way, approximately 40m (at the nearest point) from Barbour Drive, the main access road to the proposal and the other two occupied commercial buildings completed as part of the wider development. Barbour Drive occupies an elevated position, approximately 4m higher than Lamin Way, with an intervening vegetation belt. At its nearest point, the proposed service yard will be approximately 90m to the southwest of the nearest residential property, with the proposed building being approximately 135m from the nearest residential property.

The application has been very carefully considered by your Environmental Health Officer, who has considered the issues of potential noise, light and air pollution. In response to queries raised, the applicant has, during the course of the application, provided additional information in order for your officers to properly assess the issue.

Given the distance and intervening vegetation, it is not considered that physical form of the development would result in any negative impacts on the nearest residential properties by means of loss of light, loss of privacy or loss of outlook. The main issues to consider are that of noise, light and air quality, and these are set out below.

Noise

It is acknowledged that issue of noise is a concern for existing residents as the representations highlight impacts arising from the operation of the two existing commercial units. The proposed unit will share the same access road and so the potential for impact, particularly from night-time delivery vehicles, is significant. The comments from your Environmental Health Officer are set out below;

'The proposed development involves the construction of a B8 storage and distribution facility together with ancillary offices, parking and services. A residential estate is located to the north of the site, and the existing access road to the development runs alongside these dwellings, with the closest dwelling located less than 50m from the road. As well as significant day time movement of vehicles along this road, it is predicted that up to 117 two-way HGV movements will take place on

this road at night. This is in addition to vehicle movements associated with the existing commercial units located in the vicinity.

The applicants have provided acoustic reports and technical notes which indicate that, when assessed using current guidance, the increase in noise due to activity on this development i.e. HGV arrivals at and departures from the site, the manoeuvring of vehicles whilst on site and the operation of a vehicle washing/valeting facility, will not have a significant impact on local residents. A recommendation has however been made concerning the need to control noise from plant associated with the development.

These reports have also indicated that residents will not suffer a significant adverse impact due to noise created by vehicles using the access road at night. WHO guidelines recommend that, to avoid sleep disturbance, noise due to anonymous sources such as that generated by traffic should not exceed 45dB LAmax inside bedrooms more than 10-15 times a night. The latest report received from the acoustic consultants dated June 2022, indicates that the noise level within nearby dwellings (with open windows) due to a passing HGV is likely to be around 41dB LAmax, and is therefore acceptable. The noise is however likely to be audible and could occur frequently throughout the night. Residents may therefore feel the need to close their windows at night to reduce noise.

Correspondence with the applicant's acoustic consultant has highlighted the difficulty in predicting with certainty noise levels likely to be generated by HGVs using the access road. It seems that noise will be audible inside dwellings however, I accept the consultant's conclusion that, given current government guidance, this will not have a significant impact on residents.

Given representations made by local people, night-time disturbance caused by HGV movements on the access road to the existing commercial units is already an issue. I am therefore concerned that the amenity of local residents may be further affected should permission for this development be granted however, I understand that the matter of amenity must be balanced against the need for commercial facilities within the district. The Planning Officer should however be aware that, if permission for this development is granted, Environmental Protection would be unable to act if noise complaints were to be received as legislation available to control noise cannot be used in the case of noise generated by traffic on the highway.'

While expressing concerns regarding the impact of noise on nearby residents, your Environmental Health Officer has not raised an objection.

It is recognised that the proposed extent of night-time traffic movements appears significant and that residents already experience disturbance as result of the movements associated with the existing commercial units. As the proposed unit share the same access road, this is disturbance is likely to get worse. However, as outlined above by your Environmental Health Officer, the expected level of noise is likely to be below the level set out in World Health Organisation (WHO) Guidelines as being unacceptable. While the proposed development will result in some additional noise and disturbance to residents located north of Barbour Drive, there is no

evidence before the Council that suggests that the likely disturbance is of a level that could sustain a reason for refusal.

As noted earlier, it is the wording of SA4, rather than that of the DP or NP, that takes precedence in this instance and it requires proposed development to ensure that there will be 'no negative impacts' on neighbouring residential amenity.

Given the above, the proposal will have a negative impact on neighbouring residential amenity, albeit that your officers consider that harm falls within the wording of the DP and NP on this matter, and this will need to be considered in the overall planning balance.

Light

The application is supported by a Lighting Impacts Assessment, which assesses the effects from the artificial lighting that will be required for safe and secure operation of the proposed development. It includes a full lighting scheme for the external areas of the site.

It sets out that the proposed lighting will be a combination of column and wall mounted LED fittings, which are to comply with BREEAM requirements (Pol 04 (Reduction of night-time light pollution), ENE 03 (External lighting) & Part L2A of the building regulations). In addition, bat sensitive lighting is to be provided for the woodland edges around the site and the LED light sources proposed have a colour temperature of 4000K or less and a very low light emissions in the ultra-violet part of the spectrum. All lighting will be fitted with horizontal cut off optics to minimise upward light spill.

Your Environmental Health Officer has considered the submitted details and has not raised an objection, subject to the implementation of the scheme as submitted. The implementation of the submitted light scheme can be secured through a suitably worded condition and having regard to this, it is not considered that any negative impacts on neighbouring residential amenity will arise through light pollution.

Air Quality

The application has been supported by an Air Quality Assessment, which assesses the impact of the construction and operation phases of the proposed development, and an Air Quality Mitigation Statement, which is to quantify the monetised health damage value associated with transport emissions from the proposed development and provide mitigation to the calculated sum.

The Air Quality Assessment identifies that the construction works have the potential to create dust, however these can be mitigated through suitable measures that can be secured through a condition, within a construction management plan. During the operation phase of the development, some concentrations of NO₂, PM₁₀ and PM₂₅ are predicted at a number of locations adjacent to the road network, but levels will be well below relevant objectives and the air quality impacts have been classified as 'negligible'.

The accompanying Air Quality Mitigation Statement, a requirement of policy SA38 of the DPD, estimates the total damage cost value at £156,592 and sets out a mitigation package that to reflect this monetary value. The mitigation package includes the provision of a cycle path, cycle storage and EV charging points (active/passive provision).

Your Environmental Health Officer has considered both document and has not raised an objection on air quality grounds, providing that the mitigation package is complied with. As suitable condition is suggested that will secure the delivery of the proposed mitigation package and having regard for all the above, your officer is satisfied that no negative impact on neighbouring residential amenities will occur as a result of air quality effects.

In conclusion on these matters, it is considered that the application complies with policies DP26 and DP29 of the DP, policy CNP1.1 of the NP and policy SA38 of the SADPD, however there is a conflict with policy SA4 of the SDPD as night-time noise from traffic movements is likely to be audible to nearby residents, therefore no negative impacts can be assured.

Highways and Parking Matters

Policy DP21 of the District Plan deals with transport matters and sets out, inter alia, the following;

' Development will be required to support the objectives of the West Sussex Transport Plan 2011 - 2026...

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

- 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 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 scheme will be funded;*
- 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....*

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

In respect of the SADPD, policy SA GEN (which is applicable to all sites) states in relation to access and highway matters;

- *'Ensure development contributes towards delivering sustainable development and appropriate infrastructure in accordance with District Plan Policy DP21: Transport and the objectives of the West Sussex Transport Plan 2011 - 2026.*
- *Provide a Transport Assessment and Sustainable Transport Strategy to identify appropriate mitigation and demonstrate how development will be accompanied by the necessary sustainable infrastructure to support it.*
- *Highway infrastructure mitigation is only considered once all relevant sustainable travel interventions (for the relevant local network) have been fully explored and have been taken into account in terms of their level of mitigation.*
- *Identify how the development will provide safe and convenient routes for walking and cycling through the development and linking with existing networks beyond. Create a permeable road network within the site with clearly defined route hierarchies.*
- *Safeguard Public Rights of Way (PRoW) and protect their amenity.*
- *Provide adequate car parking in accordance with District Plan Policy DP21: Transport.'*

Site specific policy SA4 of the SADPD requires any development to include the following;

'Incorporate the permissive footpath/cycle path within the site layout or identify its relocation as part of the detailed design proposal.'

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:

- appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;*
- 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.'*

In respect of the neighbourhood Plan, policy CNP14 is also relevant, and it 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 Copthorne 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.'

Access

WSCC, as the Local Highway Authority (LHA), have considered the proposed access arrangements and within their consultation response, and state;

'Access will be achieved from the commercial access road at the Heathy Wood development site. There will be separate accesses for pedestrians/cyclists, operational vehicles, and privately owned vehicles. Visibility splays of 2.4 by 43 metres have been demonstrated on the submitted drawing numbered 24205_PL001

and PL002 shows swept path analysis for larger vehicles. These drawings have been reviewed by the LHA and are accepted.'

Given the LHA comments, your officers accept that the proposed access arrangements are acceptable, and will not give rise to any highway safety issues.

Network Capacity

Turning to the impact of the proposed development on the local highway network, the applicants have used TRICS software (industry standard) to calculate the trip generation from the proposed development. It is predicted that the proposed development will generate 170 and 192 vehicular trips in the AM and PM peak hours respectively.

It is acknowledged by the LHA that the submitted TA utilises traffic survey data from 2012/13 but they are content that they consider them representative having regard to the uncertainty on road network as a result of COVID pandemic. From the LHA perspective, they have considered the impact of the proposed development on three junctions and their views on each, and their overall conclusion, is set out below;

'Heathy Wood / A264 Site Access Roundabout - The results highlight that the site access roundabout is predicted to operate efficiently in 2026 and with development traffic generated by Unit L1. Delays are under 30 seconds and therefore not considered a material impact based on WSCC TA guidance.

A264 Copthorne Way / A2220 Copthorne road roundabout - The results highlight that there is predicted to be a very minor increase in delay in across the junction.

A264 / B2028 Dukes Head Roundabout - the results highlight that there is predicted to be no significant impact on the operation of the junction caused by the proposed development.

Having considered the information within the TA the LHA would not consider the proposals would have a 'unacceptable' impact on the network.'

In respect of the considering the implications of the proposed development on junction 10 of the M23, as this forms part of the strategic highway network, this comes under the responsibility of the National Highways (NH) (formerly Highways England). Following the submission of additional information from the applicants, the NH have confirmed that they are satisfied that the proposals comply with national planning and transport policy set out DfT Circular 02/2013 (especially paragraphs 8 to 11) and NPPF 2021 (especially paragraphs 110 - 113), subject to planning conditions relating to a Travel Plan and Construction Management Plan.

Having regard to the comments of both of the LHA and NH, officers accept the conclusions by both that the proposed development will not have a 'severe' impact on either the capacity of the local highway network or the strategic highway network

Parking

In terms of the parking, then it is proposed that the development will provide the following;

- 129 parking spaces (including 8 accessible and 30 EV)
- 10 docks (including 3 euro docks)
- 4 level access doors
- 22 HGV spaces
- 72 cycle parking spaces

The proposed level of car and cycle parking provision exceeds the guidance set in the WSCC 'Guidance on Parking at New Developments (Sept 2020)' document. The proposed level of EV activated spaces represents 23% of total car parking spaces. Given the nature of the proposed use and the likely behaviour (i.e. visits are likely to be short drop off/pick up package) then the proposed level of provision is considered acceptable. The remainder of the spaces will be future proofed, to enable connection at a later date, in line with policy CNP14.2 of the NP.

The LHA have not raised an objection to the proposal in respect of the proposed parking provision and your officers are content that the scheme provides for an adequate level of provision to meet the needs of the intended use.

Travel Plan

The application is supported by a Travel Plan that seeks to promote alternative modes of travel and reduce the reliance of trips to and from the site by private vehicle. This has been reviewed by the LHA, who have made the following observations;

'The TA provides an overview of the sites accessible transport measures with the TP attached as a separate document.

The site is linked to the footways delivered as part of the wider Heathy Wood site, which connect to active travel links into Crawley and to Copthorne.

The site is within close proximity to five bus services operating between Crawley and East Grinstead. Three Bridges Railway Station is accessible via active travel and bus services. This offers frequent and direct rail links to numerous areas north and south from London to Brighton and Chichester.

The LHA have reviewed the supporting TP which has been submitted in addition to the

TA The LHA would be content to condition the content of the TP...'

The LHA have identified, within their full comments set out in Appendix B of this report, a number of points that needed to be addressed within the TA and in response the applicants have provided an amended version. Officers are not in receipt of any comments from either the LHA or NH in respect of the Travel Plan and as such a standard condition is suggested in Appendix A to secure its agreement prior to any occupation of the building.

In overall conclusion on these matters, officers are content that on the basis of the comments from the LHA and NH that the proposed development will not result in any unacceptable highway safety issues or have a severe impact on the capacity of the local and strategic road networks. The proposed level of parking is acceptable to meet the needs of the development and a TA can be secured via a condition to promote alternative modes of travel to and from the site.

In light of the above it is considered that the application complies with policy DP21 of the District Plan, policies SA GEN and SA4 of the Site Allocations DPD , policy CNP14 of Neighbourhood Plan and the guidance contained within the NPPF.

Biodiversity

Policy DP38 of the District Plan deals with biodiversity matters and sets out, inter alia, the following;

'Biodiversity will be protected and enhanced by ensuring development:

- Contributes and takes opportunities to improved, 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...'*
- The general principles set out in Policy SA GEN of the SADPD apply to all site allocations and in respect of biodiversity and green infrastructure, its states;*
- 'Carry out and submit habitat and species surveys at the earliest opportunity in order to inform the design and conserve important ecological assets from negative direct and indirect effects.*
- Conserve and enhance areas of wildlife value and ensure there is a net gain to biodiversity, using the most up-to-date version of the Biodiversity Metric. Avoid any loss of biodiversity through ecological protection and enhancement, and good design. Where it is not possible, mitigate and as a last resort compensate for any loss. Achieve a net gain in biodiversity (measured in accordance with Government guidance and legislation), for example, by incorporating new natural habitats, appropriate to the context of*

the site, into development and designing buildings with integral bat boxes and bird nesting opportunities, green/brown roofs and green walling, in appropriate circumstances in accordance with District Plan Policy DP38: Biodiversity.

- *Protect and enhance Green Infrastructure (GI) and corridors by ensuring built development avoids and integrates existing GI into the layout of the scheme, reinforcing and providing new connections to existing corridors to develop a connected network of multi-functional greenspace, including incorporating opportunities to contribute to strategic GI.*
- *Improve access to, and understanding of natural greenspace and nature conservation features, including recognising the importance and role of green infrastructure to the ecosystem, biodiversity, public rights of way, health and well-being, the water environment, community facilities and climate change. Green Infrastructure is to be incorporated with SuDS, where possible, to improve biodiversity and water quality.'*

Para 180 of the NPPF highlights that the planning system should contribute to and enhance the natural and local environment by, amongst other things protecting and enhancing valued landscapes and minimising impacts on biodiversity and providing net gains where possible. In determining planning applications, para 180 sets out a number of principles that local planning authorities should apply in trying to conserve and enhance biodiversity, which include the following:

'a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'

In support of the application, the applicants have submitted an Ecological Impacts Assessment report that looks at the developments potential ecological impact (habitats and protected species) on the site and how it can be mitigated or compensated for.

In respect of the habitats, the submitted report concludes;

'The site (covering 4.39ha) comprises an elevated man-made landform that was stripped of vegetation and subject to significant surface disturbance and engineering works in recent years with all vegetation stripped, parts of it being used as a contractors compound (2018). Aerial images confirm that as recently as 2020 that the majority of the site was bare, with sparse vegetation cover. The area is dominated by recently established (naturally colonising and sown) modified grassland with some areas of rank other neutral grassland. Scrub and woodland occur to the west and south of the land-form.

The loss of habitats in their own right is not considered significant.'

In terms of the protected species, the report concludes;

'There is no evidence that the site is important or critical for any legally protected species. A number of such species have been recorded locally however and precautionary mitigation methods are proposed to ensure that no harm comes to such species should they be utilising the habitats when development takes place.'

In light of the above conclusions, and given that there is no alternative evidence to the contrary, your officer is content that the proposed development will protect the current biodiversity value (in respect of habitats and protected species) of the site, in accordance with policy DP38 of the DP.

As part of the submission, the applicants have undertaken a Biodiversity Net Gain calculation and the conclusions on this matter state;

'When the detail of the proposed landscape scheme was entered into the DEFRA Biodiversity Metric 3.0 Calculation tool the conclusions are that there will be a biodiversity net gain of 39.44% for habitats and 100% for hedgerows that are new features on the site. This demonstrates that the proposed development delivers Biodiversity Net Gain (defined as a 10% uplift from the baseline value).'

The proposed biodiversity net gain generated by the proposed development is possible due to the current low value of the existing site, however this should not diminish the proposed developments achievement in this matter. The proposed net gain is accordance with policy SA GEN of the SADPD.

In conclusion on this issue, the proposed development will not result in the loss of any significant (in terms of value) habitat and no protected species have been found on the site. Taking into account the proposed landscaping scheme (which will be secured via condition), the development will result in biodiversity net gain of approximately 39%, over the current baseline.

Having regard to the above, it is considered that the application complies with policy DP38 of the District Plan, policy SA GEN of the Site Allocation DPD and guidance set out in the NPPF in respect to this matter.

Sustainability

Policy DP39 (Sustainable Design and Construction) of the District Plan states:

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

- *Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;*
- *Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;*
- *Use renewable sources of energy;*

- *Maximise efficient use of resources, including minimising waste and maximising recycling/ re-use of materials through both construction and occupation;*
- *Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;*
- *Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience.'*

Policy DP42 (Water Infrastructure and the Water Environment) states, inter alia;

'New development proposals must be in accordance with the Water Framework Directive, and accord with the findings of the Gatwick Sub region Water Cycle Study with respect to water quality, water supply and wastewater treatment and consequently the operational requirement under Building regulations - Part G applies to all new residential development in the district. Development must meet the following water consumption standards;

- *Residential units should meet a water consumption standard of 110 litres per person per day (including external water use);*
- *Non-residential buildings should meet the equivalent of a 'Good' standards, as a minimum, with regard to the BREEAM water consumption targets for the development type.'*

Policy SA GEN (General Principles for Site Allocations) of the SADPD sets out the following in respect of sustainability;

- *'Design development to be resilient to climate change, minimise energy and water consumption and mitigate against flood risk in line with DP39: Sustainable Design and Construction, DP41: Flood Risk and Drainage and DP42: Water Infrastructure and the Water Environment.*
- *Address sustainability at the conception stage of development proposals to exploit the benefits of passive design and orientation, fabric performance, energy efficiency measures and low carbon solutions; and wherever possible include on-site low or zero carbon technologies in accordance with District Plan policies DP39: Sustainable Design and Construction and DP40: Renewable Energy Schemes.'*

Principle DG37 of the Council's Design Guide deals with 'sustainable buildings' and states;

'The Council welcomes innovative and inventive designs that respond to the sustainability agenda by minimising the use of resources and energy both through building construction and after completion.'

It lists a number of issues that designers should consider, including, amongst others, the incorporation of renewable energy technologies.

Paragraph 154 of the NPPF seeks to ensure new development helps, *'to reduce greenhouse gas emissions, such as through its location, orientation and design.'* In determining planning applications paragraph 157 expects new development to, *'take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*

The application has been supported by an Energy and Sustainability Statement that considers the measures to be incorporated within the proposed development. In addition, the applicants Design and Access Statement sets out that the proposed building is targeting a BREEAM rating of Excellent.

The proposed development will incorporate the following measures to improve its sustainability;

- Fabric first approach to the building design/construction
- The provision of energy efficient lighting
- The provision of zonal thermal and lighting controls
- The provision of variable speed pumps and fans
- The enhancement of pipework and ductwork, thermal insulation
- Specific fan powers improved beyond Building Regulation Part L requirements.
- Installation of an Air Source Heat Pump
- Installation of 2,408 PV panels to the roof (approx. 4,340sqm coverage)
- Water efficient fixtures will be used within the building
- 30 EV charging spaces

The applicant sets out in their submissions that the proposed features will lead to a 33.59% reduction in CO₂ emissions when compared to a base Part L 2013 (Building Regulations) compliance build. Given the passage of time since the submission, new Part L (Building Regulations) have come into force and the proposed development will offer a slight improvement, in terms of CO₂ emissions reduction, over the new standard.

It should be noted that in respect of the EV charging points, the new Building Regulations set out that non-residential buildings which have more than 10 parking spaces need at least one EV charge point, and cable routes for at least one in every five parking spaces. The provision of 30 EV charge points, and future proofing of the remaining spaces, therefore provides an enhancement over a standard compliance scheme.

It is clear that the proposal will incorporate a range of passive measures, as well as renewable sources of energy, that will improve the buildings sustainability and provide a reduction in the CO₂ emissions from one that complies with the base standard Building Regulations.

In light of the above, the application complies with policies DP39 and DP42 of the District Plan, policy SA GEN of the Site Allocation DPD and principles of the Council's Design Guide.

Drainage

Policy DP41 of the District Plan deals with flood risk and drainage matters and 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 area 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 development 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 terms 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 water drainage from any development is;

- 1. Infiltration Measures*
- 2. Attenuation and discharge to watercourse; 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.'

The application has been supported by a Flood Risk and Drainage Strategy and in response to consultation comments the applicants have provided an additional Surface Water Drainage Technical Note, with the aim of seeking agreement of drainage details at this stage to avoid the need to submit further details to satisfy a pre-commencement planning conditions.

In respect of flooding, the site is located in flood zone 1 and is at low risk for fluvial flooding (risk of flooding from main rivers) and it has been confirmed that the site is shown to be at very low surface water flood risk. There are no historic records of flooding occurring on this site or the immediate area surrounding the site.

The comments from your Drainage Officer and from the Local Lead Flood Authority have not raised an objection to the proposals in respect of flood risk.

In respect of foul water drainage, it is proposed that it will be discharged to an existing foul sewer, which ultimately discharges into Thames Water foul sewer network. The applicants submissions set out that the existing foul sewer network within the wider development site has already been constructed in consultation with Thames Water for capacity and for adoption. They go on to state;

'The proposed development plot is part of the wider site development which the new adopted drainage is serving and have been designed to serve the flow from the commercial units; therefore, it is unlikely to have any capacity issue'.

The comments from Thames Water in relation to capacity concerns is noted and at the time of writing the report your officer is awaiting further comments from them in relation to the additional drainage information supplied by the applicants. It is noted that within the Thames Water comments received to date that they have not raised an objection to the application and as such the application can proceed to determination. However, officers will seek further comments from Thames Water and an updated will be provided at the committee meeting.

In respect of the proposed surface water drainage strategy the submitted details show that it is intended to deal with this via an attenuation tank and attenuation basin with sufficient capacity to cater for 1:100, plus 20%. From these attenuation features, it is proposed that the surface water will be discharged to the Burstow Stream (limited to greenfield run off rate) via an existing surface water drainage outlet.

Your Drainage Officer has considered all the details that have been submitted and has confirmed that the information supplied is acceptable and not raised an objection. Instead of the normal pre-commencement requiring the submission of further detailed drainage information to be submitted and approved prior to commencement on site, a condition is suggested to ensure compliance with the submitted details.

In light of the above, it is considered that the application complies with policy DP41.

Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)

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

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

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

Recreational disturbance

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

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

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

Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

The potential effects of the proposed development are incorporated into the overall results of the transport model prepared for the Site Allocations DPD, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment screening report

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

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

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

Infrastructure

Policy DP20 of the DP seeks to ensure that development is accompanied by the necessary infrastructure. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations. The Council has approved three Supplementary Planning Documents (SPDs) in relation to developer obligations (including contributions). The SPDs are:

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

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

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

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

and:

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

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

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

The County Council have advised that they require a Total Access Demand (TAD) contribution of £281,418 to mitigate the impact of the development. This is to go towards improvements to pedestrian and cycle movement that link Copthorne to the Worth Way, Crawley and East Grinstead.

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.

Your officers are aware that the applicants are currently working with WSCC on the necessary Unilateral Undertaking to secure the payment and it is hoped that this will

be completed prior to the committee meeting. Should the application be approved, the decision should not be issued until confirmation has been received that the Undertaking has been completed.

Other Matters

Contaminated Land

As the site has been used historically for inert landfill, the application has been supported by a Ground Investigation Report. In addition, and in response to your Contaminated Land Officer comments, further information has been provided with regard to gas monitoring, the latest of which is still under consideration by your officers at the time of writing this report.

Your Contamination Officer is not raising an objection to the proposal and the current information under consideration will impact on the wording of the suggested planning condition. While members will be provided with an update at the meeting, the standard conditions are suggested at this stage and set out in Appendix A.

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.

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, the Site Allocations DPD and the Copthorne Neighbourhood Plan.

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.

The principle of development on the site is established through its allocation for employment use in policy SA4 of the SADPD. The proposed single B8 use will generate an approximate 150 employment opportunities, however, the allocation envisaged a mix of Class E(g) (Business/Light Industrial) and B8 (Storage and Distribution) uses. The wording of policy does not prescribe figures or a range to any one particular use, and the applicant has provided evidence to support their single use development. While it is clear that the proposed single use does not strictly comply with the requirements of the allocation policy, it is considered that the applicant has provided a robust justification for their proposal in this regard.

It is considered that proposal does provide for a high-quality layout and design. While the proposed building is large, the elevations/finishes have been carefully

considered to help reduce its apparent massing. A significant amount of landscaping is proposed to the south/east of the building to provide a screen and an inviting landscape setting for the development itself. It is not considered that development, given its context, would have an unacceptable impact on general character and appearance of the area. The layout also makes provision of the permissive footpath/cycle through the site. It is considered that the application complies with policies DP26 and DP37 of the District Plan, policy SA4 of the Site Allocations DPD, policy CNP10 of the Neighbourhood Plan and the Council's Design Guide in respect of these matters.

With regard to highway matters, the application has been considered by both the Local Highway Authority and National Highways (due to potential impact on the M23) and they have confirmed that the proposed development will not result in any unacceptable highway safety issues or have a severe impact on the capacity of the local and strategic road networks. The proposed level of parking is acceptable to meet the needs of the development and a Travel Plan can be secured via a condition to promote alternative modes of travel to and from the site. It is considered that the application complies with policy DP21 of the District Plan, policies SA GEN and SA4 of the Site Allocations DPD, policy CNP14 of Neighbourhood Plan and the guidance contained within the NPPF.

With regard to biodiversity, the proposed development will not result in the loss of any significant (in terms of value) habitats, and no protected species have been found on the site. Taking into account the proposed landscaping scheme (which will be secured via condition), the development will result in biodiversity net gain of approximately 39%, over the current baseline. It is considered that the application complies with policy DP38 of the DP, policy SA GEN of the SADPD and guidance set out in the NPPF in respect to this matter.

The proposed development will incorporate a range of measures to improve its sustainability, which in addition to a fabric first approach to construction, will include an air source heat pump, the installation of 2,408 PV panels to the roof and 30 EV charging spaces within the car park. The proposed development will provide a slight reduction in CO2 emissions than that required under the new Part L (2022) Building Regulations. Furthermore, the proposed EV charging provision exceeds the standard Building Regulation requirements. It is considered that the application complies with policies DP39 and DP42 of the District Plan, policy Site Allocation GEN of the DPD and principles of the Council's Design Guide.

It is not considered that the application will have neutral impacts in respect of drainage, land contamination and its impact on the Ashdown Forest SAC/SPA.

In respect of the proposals impact on neighbouring residential amenity, the appropriate test that takes precedence in this instance is that set out in SA4 of the SADPD, as it is the most recently adopted. This refers to no negative impacts. While officers are content that there will no negative impact in relation to light pollution or air quality, it is recognised that night-time noise from increased traffic movements using Barbour Drive will be audible to nearby residents. While there is no evidence to suggest that the proposed noise would be unacceptable in its own right, there will be

an impact and as a result the proposal conflicts with the wording of policy SA4 in relation to this matter.

It is recognised that there are specific aspects of the proposed development that conflict with the wording of policy SA4, namely the single B8 use and the impact of night-time noise traffic on nearby residents. While these are matters that weigh against the application, it needs to be acknowledged that in respect of all other matters it is considered that the proposal complies with the Development Plan.

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.

Given the above and having regard to all matters, it is considered that the application complies with the Development Plan, when taken as whole.

Subject to the suitable conditions, and the completion of the Unilateral Undertaking to secure the TAD contribution (£281,418) with WSCC, it is considered that the application complies with policies DP1, DP17, DP20, DP21, DP, DP29, DP37, DP38, D39, DP40 and DP41 of the Mid Sussex District Plan, policies SA4, SA38 and SA GEN of Site Allocations Development Plan Document, policies CNP1, CNP10, CNP13 and CNP14 of the Copthorne Neighbourhood Plan, the Mid Sussex Design Guide, the NPPF and can be supported.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

2. Notwithstanding any information submitted in support of the application, 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 (who shall consult with National Highways and West Sussex County Council). 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: To ensure that construction of the development does not result in avoidable congestion on the M23, to ensure that they continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety and to accord with policies DP21, DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

3. Prior to the construction of the floor slab that forms part of the development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a verification plan (contractor, membrane installers and third party verifiers method statements) and design drawings, based on the Remediation Method Statement by Atkins, dated 30th June 2022, ref: 5159347-ATK-L1-RPT-C-002, must be submitted to and approved in writing by the Local Planning Authority.

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

4. 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.

5. No development above slab level shall be carried out unless and until full details of a hard landscaping scheme shall be submitted to and approved by the Local Planning Authority. These and these works shall be carried out as approved and completed prior to the first use of the building or in accordance with the programme agreed by the Local Planning Authority.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and policy SA4 of the Site Allocation Development Plan Document.

6. No part of the site hereby permitted may be brought into use until the draft Travel Plan has been finalised, submitted to and approved in writing by the Local Planning

Authority (who shall consult National Highways and West Sussex County Council). The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority. The Travel Plan shall thereafter be implemented in accordance with the approved document.

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.

7. The development shall only be implemented in accordance with the site and landscape levels shown on the approved plans (drawing no's 2062-20-24C and 10305186-HDR-22-XX-DR-C-0400-T2 refer), unless first agreed in writing within the Local Planning Authority.

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the character and appearance of the area and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031, Policy SA4 of the Site Allocations DPD and Policy CNP10 of the Neighbourhood Plan.

8. The surface water and foul water drainage serving the development shall only be constructed in accordance with the details contained in the Flood Risk and Drainage Strategy by Bradbrock Consulting dated 14th October 2021 and the Surface Water Technical Note 1 by Bradbrock Consulting dated 28th February 2022, unless first agreed in writing with the Local Planning Authority.

The approved details shall be completed prior to the building first coming into use. Thereafter, the drainage scheme shall be managed and maintained 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.

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

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

10. The PV scheme, as set out in the Glint and Glare Study by PagerPower dated the November 2021, shall be installed as approved. No subsequent alterations to the approved scheme are to take place unless submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development does not endanger the safe movement of aircraft or the operation of Gatwick Airport through interference with communication, navigational aids and surveillance equipment and glare issues.

11. The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the LPA in advance of

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

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

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

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

13. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on drawings 24205_PL001 and PL002.

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

14. Prior to building hereby approved first being brought into use, the lighting scheme described in the Lighting Impact Assessment produced by Cudd Bentley Consulting, revision dated 21 October 2021, Ref: 6159-CBC-GA-RP-E-001 shall be completed and shall thereafter be maintained in accordance with the approved details.

Reason: To protect the amenity of local residents and to accord with policy DP29 of the Mid Sussex District Plan 2014 - 2031 and policy SA4 of the Site Allocations Development Plan Document.

15. Prior to building hereby approved first being brought into use, measures to protect air quality as described in the revised Air Quality Mitigation Statement produced by Stantec dated March 2022 project ref 332110614 shall be implemented and completed, and shall thereafter be maintained in accordance with the approved details.

Reason: To preserve the amenity of local residents regarding air quality and emissions and to accord with policy DP29 of the Mid Sussex District Plan and policies SA4 and SA38 of the Site Allocation Development Plan Document.

16. Unless otherwise agreed in writing, noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level,

measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed 5 dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014+A1:2019.

If requested by the Local Planning Authority, an assessment shall be carried out with the plant/machinery operating at its maximum setting. To demonstrate compliance, evidence in the form of a report produced by a suitably qualified acoustic consultant shall be submitted to and approved by the Local Planning Authority.

The assessment shall be carried out with the plant/machinery operating at its maximum setting. The approved measures shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

Reason: To protect the amenity of local residents and to accord with policy DP29 of the Mid Sussex District Plan 2014 -2031 and policy SA4 of the Site Allocations Development Plan Document.

17. No external materials shall be used other than those specified on the approved drawings without the prior written approval of the Local Planning Authority.

Reason: To protect the appearance of the building and the area and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031, policy SA4 of the Site Allocations Development Plan Document and Policy CNP10 of the Neighbourhood Plan.

18. The development shall only be implemented in accordance with the means of enclosures shown on the approved plans and the building shall not be first used until all means of enclosure have been completed, unless first agreed in writing with the Local Planning Authority.

Reason: To protect the appearance of the area and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031, policy SA4 of the Site Allocations Development Plan Document and Policy CNP10 of the Neighbourhood Plan.

19. The development shall only be implemented in accordance with the soft landscaping scheme shown on the approved drawings. These works shall be carried out as approved. The works shall be carried out prior to the building first coming into use or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policies DP26 and DP37 of the Mid Sussex District Plan 2014 - 2031 and policy SA4 of the Site Allocation Development Plan Document.

20. The building unit hereby approved shall not be first brought into use until covered and secure cycle parking spaces serving have been provided in accordance with the approved plans.

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.

21. The vehicle wash area shown on the approved drawings shall only be used between the hours of 07:00 to 19:00 Monday to Sunday and at no other times.

Reason: To protect the amenity of local residents and to accord with policy DP29 of the Mid Sussex District Plan 2014 -2031 and policy SA4 of the Site Allocations Development Plan Document.

22. **Approved Plans**

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

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

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. Gatwick Airport requires a minimum of four weeks notice. For crane queries/applications please visit Crane Permits (gatwickairport.com) or email cranes@gatwickairport.com

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
Drainage Details	10305186-HDR-22-XX-DR-C-0300	T2	02.03.2022
Drainage Details	10305186-HDR-22-XX-	T2	02.03.2022

Drainage Details	DR-C-0301 10305186- HDR-22-XX- DR-C-0311	T2	02.03.2022
Drainage Details	10305186- HDR-22-XX- DR-C-0310	T2	02.03.2022
Location Plan	SK001		29.10.2021
Landscaping	2062-20-23	F	02.03.2021
Sections	2062-20-24	C	29.10.2021
Lighting Layout/Light Pollution	6159-CBC- GA-RP-E-001- I03		29.10.2021
Tree Survey	13242-25		29.10.2021
Tree Survey	13242-AA18		29.10.2021
Existing Site Plan	19226_P1002	B	29.10.2021
Proposed Site Plan	19226_P1003	H	29.10.2021
Proposed Floor Plans	19226_P1004	B	29.10.2021
Proposed Floor Plans	19226_P1005	B	29.10.2021
Proposed Floor Plans	19226_P1006	B	29.10.2021
Proposed Floor Plans	19226_P1007	B	29.10.2021
Proposed Floor Plans	19226_P1101	D	29.10.2021
Proposed Floor Plans	19226_P1102	C	29.10.2021
Proposed Roof Plan	19226_P1103	D	29.10.2021
Proposed Elevations	19226_P1104	B	29.10.2021
Proposed Sections	19226_P1105	D	29.10.2021

APPENDIX B – CONSULTATIONS

MSDC Environmental Health Officer

The proposed development involves the construction of a B8 storage and distribution facility together with ancillary offices, parking and services. A residential estate is located to the north of the site, and the existing access road to the development runs alongside these dwellings, with the closest dwelling located less than 50m from the road. As well as significant day time movement of vehicles along this road, it is predicted that up to 117 two-way HGV movements will take place on this road at night. This is in addition to vehicle movements associated with the existing commercial units located in the vicinity.

The applicants have provided acoustic reports and technical notes which indicate that, when assessed using current guidance, the increase in noise due to activity on this development i.e. HGV arrivals at and departures from the site, the manoeuvring of vehicles whilst on site and the operation of a vehicle washing/valeting facility, will not have a significant impact on local residents. A recommendation has however been made concerning the need to control noise from plant associated with the development.

These reports have also indicated that residents will not suffer a significant adverse impact due to noise created by vehicles using the access road at night. WHO guidelines recommend that, to avoid sleep disturbance, noise due to anonymous sources such as that generated by traffic should not exceed 45dB L_{Amax} inside bedrooms more than 10-15 times a night. The latest report received from the acoustic consultants dated June 2022, indicates that the noise level within nearby dwellings (with open windows) due to a passing HGV is

likely to be around 41dB LAmax, and is therefore acceptable. The noise is however likely to be audible and could occur frequently throughout the night. Residents may therefore feel the need to close their windows at night to reduce noise.

Correspondence with the applicant's acoustic consultant has highlighted the difficulty in predicting with certainty noise levels likely to be generated by HGVs using the access road. It seems that noise will be audible inside dwellings however, I accept the consultant's conclusion that, given current government guidance, this will not have a significant impact on residents.

Given representations made by local people, night-time disturbance caused by HGV movements on the access road to the existing commercial units is already an issue. I am therefore concerned that the amenity of local residents may be further affected should permission for this development be granted however, I understand that the matter of amenity must be balanced against the need for commercial facilities within the district. The Planning Officer should however be aware that, if permission for this development is granted, Environmental Protection would be unable to act if noise complaints were to be received as legislation available to control noise cannot be used in the case of noise generated by traffic on the highway.

Various measures to mitigate noise from vehicles accessing the proposed site have been considered with the developer however, these have been found to be unviable. In conclusion, although I have concerns regarding the impact of noise on nearby residents, I have no objection to this application. Should planning permission be granted, I recommend conditions to protect existing residents from plant noise and light once the development is operational, and to protect existing residents close to the development from noise and dust during the construction phase. In addition, given this is a major development, I recommend a condition to protect air quality.

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:

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.

Construction Environmental Management Plan:

Construction works shall be carried out in accordance with the Construction Environmental Management Plan contained within the revised Air Quality Mitigation Statement produced by Stantec dated March 2022 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

Lighting:

Prior to occupation of the development, the lighting scheme described in the Lighting Impact Assessment produced by Cudd Bentley Consulting, revision dated 21 October 2021, Ref: 6159-CBC-GA-RP-E-001 shall be completed and shall thereafter be maintained in accordance with the approved details.

Reason: to protect the amenity of local residents

Air Quality:

Prior to operation of the development hereby permitted, measures to protect air quality as described in the revised Air Quality Mitigation Statement produced by Stantec dated March 2022 project ref 332110614 shall be implemented and completed and shall thereafter be maintained in accordance with the approved details.

Reason: to preserve the amenity of local residents regarding air quality and emissions.

Plant and machinery:

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

The assessment shall be carried out with the plant/machinery operating at its maximum setting. The approved measures shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

If requested by the Local Planning Authority, an assessment shall be carried out with the plant/machinery operating at its maximum setting. To demonstrate compliance, evidence in the form of a report produced by a suitably qualified acoustic consultant shall be submitted to and approved by the Local Planning Authority.

Reason: to protect the amenity of local residents

Vehicle Washing and Valeting Facility:

The operational period for this facility shall be 07:00 to 19:00 Monday to Sunday only.

Reason: to protect the amenity of local residents

MSDC Drainage Officer

I have reviewed the submitted plans, details, calculations and maintenance plan for this proposed development.

I can confirm that the information submitted under DM/21/3805 would be sufficient for meeting with the set drainage condition.

This means that so long as the development undertakes the construction exactly as proposed in the submitted information, then there should be no flood risk and drainage concern and the proposed drainage is acceptable.

The early meeting of the condition requirements is not normally requested as part of the planning stage. Therefore, the Planning Enforcement team may wish to comment on this approach in case this affects how future enforcement could be applied to the development if it does not follow its approved scheme.

Therefore, I can only confirm that the submitted information under DM/21/3805 would be sufficient to meet with the suggested condition.

MSDC Tree and Landscape Officer

In general, I would like to see the removal of a couple of tree species; Pyrus 'Chanticleer' and Acer platanoides. There is also a preponderance of Betula which, although relatively quick growing are insubstantial and relatively short lived.

I would also prefer to see Prunus avium 'Plena' replaced with the plain species.

With regard to the shrubs, I would like to see Berberis, Ceanothus and Spirea replaced with native shrubs.

On the Copthorne Way side, there is room for more substantial planting which could replace some of the birch. More oaks would be possible. Other suggestions include, Alnus glutinosa, more Populus, Tilia, Pinus . Understorey planting typical of the area would include Corylus and Ilex. Pure species, rather than cultivated varieties would be more useful in this location.

Some of these could also replace the two trees, above.

I am open to other, native suggestions, but it would be better to have substantial trees with some understorey, rather than a preponderance of more medium sized trees. It would also give a more naturalistic look to the planting, particularly with the avoidance of cultivars in this area.

MSDC Contaminated Land Officer

I can see that further monitoring visits have been undertaken for ground gas monitoring, and a Technical note by ATKINs, dated 9th February 2022 has been submitted as an addendum to the Ground Investigation Report (GIR), reference 5159347 ' L1 GIR, rev 3.0, issued in October 2021.

This technical note outlines the results of the overall gas monitoring, which shows a substantial increase in gassing since testing done in 2017, going from a low risk to a moderate risk. The reason for this is not clear, but the site does sit on the area that used be a landfill. The landfill was only meant to contain inert material, and previous testing back in 2017 seemed to confirm that.

I agree with recommendation that the buildings on site will need to be designed to ensure they are protected from the gas, and that the exact design will need to be agreed via a remediation statement.

However, I would ask ATKINs whether they any concerned that if the proposed goes ahead, that building on the site could risk creating preferential pathways for gas to migrate offsite. I note in the conceptual site model it is suggested that the risk to offsite receptors is

considered unlikely but that further gas testing is needed. Does the information in the addendum, and the fact that hardstanding will be present across the majority of the site if the proposed goes ahead, impact the original statement?

If so, could the conceptual site model be updated to reflect this, so it is assured that any remediation plan also considers offsite migration and the possible creation of preferential pathways.

Original Comments - 08/12/2021)

I have read the ground investigation report by Ian farmers associates, reference: 2240306-1 (00), dated December 2020, and the L1 Geo-environmental Interpretive Report by Atkin, reference: 5159347, Dated August 2021.

In terms of soil contamination, the reports show that testing found no exceedances of the commercial GAC and Public Open Space (commercial) for any of the contaminants analysed. It is noted that a single sample found Asbestos (crocidolite), at TP412, 0.82m below ground level. Subsequent quantification testing identified the sample at the limit of detection (0.001%). I agree with the author of the Atkins report, that given the single detection, at low quantification, and 0.82m below ground level, the risk to future site users is negligible. It also noted the majority of the site will be covered by hardstanding.

It is noted that the developer should contact the water company to confirm that polyethylene water supply pipes are suitable in areas of the site containing made ground.

Several elevated concentrations of contained were recorded within soil leachate, groundwater and surface water samples collected. However, the report concludes that the site conditions are unlikely to be causing a significant adverse effect on surface water and groundwater.

Limited ground gas monitoring has been carried out at this stage. Further gas monitoring will be required before it can be confirmed what level of gas protection is required, and this will need to be conditioned. Additionally, if significant areas of made ground are identified during site works, the potential risk from ground gas will need to be reconsidered. Currently however, it does appear from the monitoring to date that the site would be classified as Characteristic Situation 2 (low risk) in accordance with BS8485.

Recommendation: Approve with the following Conditions:

1) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the local planning authority:

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

and, unless otherwise agreed in writing by the LPA,

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

2) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained

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

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

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

WSSC Highways

Background

WSSC in its role of Local Highway Authority (LHA) has been consulted on the above proposals for highway safety, capacity and access considerations on the above proposals.

The site lies adjacent to the M23 junction 10 and the A264. The main vehicular access to the site is from a roundabout onto the A264, a single carriageway primary distributor road between East Grinstead and Crawley. The site is located within the Heathy Wood development (13/04127/OUTES) that is currently being built out. The application is seeking to increase the commercial offering at Heathy Wood and deliver an additional 11,250m² of B8 usage on the site.

The applicant undertook Pre-Application Advice with the LHA in June 2021 and the scope of the accompanying Transport Assessment (TA) was agreed at the time.

Access and Visibility

Access will be achieved from the commercial access road at the Heathy Wood development site. There will be separate accesses for pedestrians/cyclists, operational vehicles, and privately owned vehicles. Visibility splays of 2.4 by 43 metres have been demonstrated on the submitted drawing numbered 24205_PL001 and PL002 shows swept path analysis for larger vehicles. These drawings have been reviewed by the LHA and are accepted.

Capacity

A trip generation analysis for the proposed usage (11,250 sqm B8) at the site has been undertaken using the industry standard TRICS software. The development proposals are predicted to generate 170 and 192 vehicular trips in the AM and PM peak hours respectively.

In terms of traffic flows the applicant proposes to use the 2012/13 traffic surveys that were undertaken to inform the TA for Heathy Wood. It is accepted that these are out of date, however, work undertaken pre COVID in 2018/19 showed that traffic levels had not altered significantly and therefore the 2012/13 surveys are considered to be representative considering the uncertainty on the road network currently. It is noted that

National Highways (NH) requested new surveys which are being commissioned on the M23 junction which are at the time of writing being processed in a separate note for their review.

In terms of Capacity Impacts the LHA agreed at pre-app the following areas for survey via Junctions 10 software:

1. Heathy Wood / A264 Site Access Roundabout-The results highlight that the site access roundabout is predicted to operate efficiently in 2026 and with development traffic generated by Unit L1. Delays are under 30 seconds and therefore not considered a material impact based on WSCC TA guidance.
2. M23 Junction 10-NH to assess
3. A264 Copthorne Way/A2220 Copthorne Road Roundabout-The results highlight that there is predicted to be a very minor increase in delay across the junction.
4. A264 / B2028 Dukes Head Roundabout- The results highlight that there is predicted to be no significant impact on the operation of the junction caused by the proposed development. Having considered the information within the TA the LHA would not consider the proposals would have a 'unacceptable' impact on the network.

Parking and Layout

The TA includes parking numbers have been identified based on the initial guidance set out by the LHA at the pre-application stage. 129 spaces are proposed therefore the total parking on site is proposed marginally above the initial guidance for vehicles with 23 Electric Vehicle (EV) spaces proposed. 34 cycle parking spaces are provided, and these are above the proposed standards.

Accessibility and Travel Plan (TP)

The TA provides an overview of the sites accessible transport measures with the TP attached as a separate document.

The site is linked to the footways delivered as part of the wider Heathy Wood site, which connect to active travel links into Crawley and to Copthorne.

The site is within close proximity to five bus services operating between Crawley and East Grinstead. Three Bridges Railway Station is accessible via active travel and bus services. This offers frequent and direct rail links to numerous areas north and south from London to Brighton and Chichester.

The LHA have reviewed the supporting TP which has been submitted in addition to the TA. The LHA would be content to condition the content of the TP on the basis the following 7 points are addressed:

1. Please include contact details for TPC or a commitment to providing these in an updated Travel Plan document prior to occupation
2. In line with our Development Travel Plans Policy TRICS SAM surveys will be required in years 1,3, and 5. This will enable the performance of this TP to be assessed and its contribution to the site-wide TP.
3. Similarly, the TP should state the 12-hour weekday vehicle trip rate target in addition to the AM and PM peak targets.
4. Please remove the word 'potential' from 5.2. This section should detail the measures that will be implemented.
5. There is a reference to the Surrey Transport Plan in 1.3.7, which appears to be either incomplete or superfluous.
6. Table 5.1 states that 'some' car parking spaces will be designated for visitors or car sharers. Please state how many of each will be provided. Please also state the number of secure covered cycle parking spaces and any electric vehicle charging bays that will be provided.
7. Please include the following measures in Table 5.1:
 - a. Interest-free public transport season ticket loans for staff
 - b. A commitment to seeking staff discounts from local bus operators
 - c. A commitment to joining the easitMID SUSSEX network
 - d. A specific reference to the West Sussex Cycle Journey Planner
 - e. Provision of the cycle to work salary sacrifice scheme. Alternatively, interest-free loans could be offered to staff for purchases of bicycles and accessories.
 - f. A commitment to promoting WSCC's cycle training services and ideally subsidising cycle training for employees upon request. Further details can be found at www.westsussex.gov.uk/roadsafety

Conclusion

Having considered the contents of the TA the LHA would be satisfied that the proposals are sufficient in regards of Highway Safety. We would seek that the points related above within in relation to the TP are addressed, these however can be covered via a planning condition. The LHA would advise the following conditions to be attached to any planning consent:

Access (Access to be provided prior to first occupation)

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on drawings 24205_PL001 and PL002. Reason: In the interests of road safety.

Construction Management Plan

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

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

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

Travel Plan (to be approved)

No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport

West Sussex County Council Infrastructure

Summary of Contributions:

Net Population Increase	0.0
Net Parking Spaces	129
Net Commercial Floor Space sqm	10769
Total Access (commercial only)	259.3425
Number of fire hydrants	To be secured under Condition

Total TAD Contribution due

£281,418

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 10,769 sqm of Class B8 storage and offices E(g) floor area, and an additional 129 car parking spaces.

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 2022. 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 improvements to pedestrian and cycle routes that link Copthorne to the Worth Way, Crawley and East Grinstead.

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 2021/2022 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.

WSCC Local Lead Flood Authority

RECOMMENDATION: Advice - No Objection

West Sussex County Council (WSCC), in its capacity as the Lead Local Flood Authority (LLFA), has been consulted on the above proposed development in respect of surface water drainage. The following are 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 100 year events - Low risk

Comments:

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

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

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

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

Modelled groundwater flood hazard classification - Low risk

Comments:

The area of the proposed development is shown to be at low risk from groundwater flooding based on current mapping. This risk is based on modelled data only and should not be taken as meaning that the site will/will not suffer groundwater flooding.

Ground water contamination and Source Protection Zones.

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

Ordinary Watercourses nearby? Yes

Comments:

Current Ordnance Survey mapping shows an ordinary watercourse running near to the site. Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around or across the site. If present these should be maintained and highlighted on future plans.

Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.

Records of any historic flooding within the site? No

Comments:

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

Future development - Sustainable Drainage Systems (SuDS)

The FRA and Drainage Strategy included with this application state that above and below ground attenuation with a restricted discharge to the watercourse would be used to control the surface water runoff from the site.

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

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

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 locations of the required fire hydrants 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 hydrants (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.

Thames Water

Waste Comments

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

With the information provided, Thames Water has been unable to determine the Foul water infrastructure needs of this application. Thames Water has contacted the developer in an attempt to obtain this information and agree a position for FOUL WATER drainage, but have been unable to do so in the time available and as such, Thames Water request that the following condition be added to any planning permission.

"No development shall be occupied until confirmation has been provided that either:- 1. Foul water Capacity exists off site to serve the development, or 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or 3. All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

Water Comments

With regard to water supply, this comes within the area covered by the South East Water Company. For your information the address to write to is - South East Water Company, Rocfort Road, Snodland, Kent, ME6 5AH, Tel: 01444-448200

National Highways

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

We initially responded to this consultation on 24 December 2021 stating that we required further information from the applicant in order to be able to assess the implications of the proposals on the strategic road network. We have been in ongoing correspondence with the applicant's consultant who has submitted a Transport Assessment Addendum and two technical notes: TN0023 dated 22-4-22 and TN0024 dated 14-6-22.

Having assessed the additional information which has been provided in relation to this application, we are now satisfied that the proposals comply with national planning and transport policy set out in DfT Circular 02/2013 (especially paragraphs 8 to 11) and MHCLG NPPF2021 (especially paragraphs 110 to 113) subject to the inclusion of suitable conditions in relation to the Travel Plan and Construction Management Plan.

This NHPR response replaces our previous holding recommendation with recommended planning conditions to be attached to any planning permission that the Council is minded to grant.

National Highways' recommended Planning Conditions & reasons

1. No part of the site hereby permitted may be brought into use until the draft Travel Plan has been finalised, submitted to and approved in writing by the Local Planning Authority (who shall consult National Highways and West Sussex County Council). The Travel Plan shall thereafter be implemented in accordance with the approved document.

Reason: To ensure that the M23 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980.

2. No works shall commence on site until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with National Highways and West Sussex County Council). Thereafter the approved Construction Management Plan shall be implemented and adhered to throughout the entire construction period. The Construction Management Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency, types and timing of vehicles used during construction (construction vehicles should avoid the network peak hours of 0800-0900 and 1700-1800 where practicable);
- preventing access for unauthorised vehicles;
- ensuring footways are open and unobstructed at all times and that suitable diversions are provided if required;
- measures to minimise the impact of vibration and disruption to utilities;
- the ingress, egress and parking arrangements of vehicles by site operatives and visitors;
- the loading and unloading of plant, materials and waste;

- the storage of plant and backfilling materials to be used;
- the impact of any site illumination;
- a vehicular (and pedestrian if required) signage strategy;
- the erection and maintenance of security hoarding or other appropriate security or screening barriers, signs and scaffolding;
- 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); and
- measures to prevent loose material and reduce dust, dirt and any other airborne contaminants and to avoid these passing beyond the site boundaries, including sheeted loads and dampening stockpiles where necessary.

Reason: To ensure that construction of the development does not result in avoidable congestion on the M23, to ensure that they continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

Gatwick Airport

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

Implementation of Bird Hazard Management Plan

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

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

Implementation of PV Scheme

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

Reason: To ensure the development does not endanger the safe movement of aircraft or the operation of Gatwick Airport through interference with communication, navigational aids and surveillance equipment and glare issues.

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 visit Crane Permits (gatwickairport.com) or email cranes@gatwickairport.com

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

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.