

MID SUSSEX DISTRICT COUNCIL

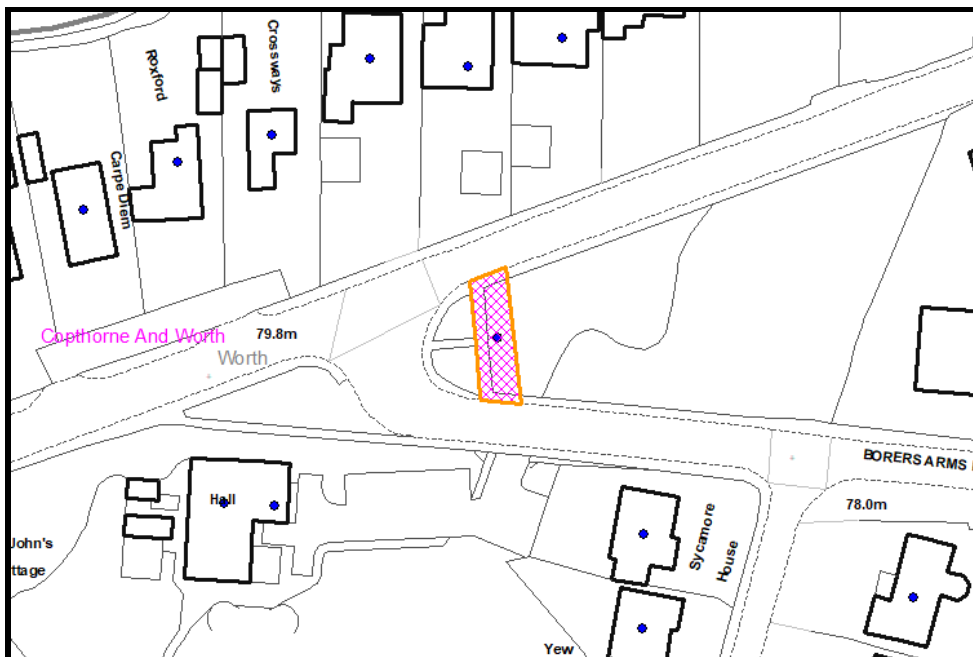
Planning Committee

13 APR 2023

RECOMMENDED FOR PERMISSION

Worth

DM/23/0606



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**LAND AT BORERS ARMS ROAD COPTHORNE WEST SUSSEX
ERECTION OF A PICTORAL MAP.
MID SUSSEX DISTRICT COUNCIL**

POLICY: Article 4 Direction / Article 4 Direction / Area of Special Control of Adverts / Built Up Areas / Classified Roads - 20m buffer / Green Belt / Aerodrome Safeguarding (CAA) / Radar Safeguarding (NATS) / Village Green (WSCC)

ODPM CODE: Minor Other

8 WEEK DATE: 28th April 2023

WARD MEMBERS: Cllr Christopher Phillips / Cllr Bruce Forbes /

CASE OFFICER: Hamish Evans

DMPURPOSE OF THE REPORT

To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

Planning permission is sought for the erection of a pictorial map at land adjacent to the Borers Arms Road Copthorne.

The application is being reported to planning committee as MSDC are the applicants. The proposal forms one of a number of applications forming part of a wider project aimed at identifying circular walks and features of interest for residents and visitors.

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

The site lies within the defined built-up area of the village where the principle of development is acceptable under policy DP6 of the Mid Sussex District Plan. Due to the nature of the proposal it is considered to encourage making existing rights of way multifunctional, more accessible and enhance the existing public footpaths, rights of way, bridle paths and twittens.

Taking into account the modest nature of the proposal, its design and position the proposal is considered to address the character and scale of the surrounding buildings and landscape and it would not cause significant harm to the amenities of nearby residents. The proposal's impact on highways safety is considered to be acceptable.

For the above reasons, the proposal is deemed to comply with policies DP6, DP21, DP22 and DP26 of the Mid Sussex District Plan, policies CNP1 and CNP11 of the Copthorne Neighbourhood Plan, the Mid Sussex Design Guide SPD and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

RECOMMENDATION

It is recommended that planning permission be approved subject to the conditions outlined at Appendix A.

SUMMARY OF REPRESENTATIONS

One third-party representation letter has been received in respect of this application. It raises no objection to the proposal as a form of public artwork but does not achieve the objectives stated in the application documents.

SUMMARY OF CONSULTATIONS

WORTH PARISH COUNCIL

Defer to officer.

Introduction

The application seeks planning permission for the erection of a pictorial map at land adjacent to the Borers Arms Road Copthorne. The application has been referred to Committee because the District Council is the applicant.

SITE AND SURROUNDINGS

The application site consists of open grassland which is considered to be part of the public realm. The site is located within the Copthorne built up area boundary and located within the Historic Core of Copthorne as defined by the Copthorne Neighbourhood Plan.

Copthorne Bank is located to the north of the site, a Care Home is located to the east of the site and Borers Arms Road is located to the south and west of the site.

The buildings within the surrounding area consist of residential properties and community facilities. They are varied in their scales and design. There is a variety of existing street furniture within the surrounding area which includes, road signs, directional signs, public bins and benches.

APPLICATION DETAILS

Planning permission is sought for the erection of a pictorial map at land adjacent to the Borers Arms Road Copthorne.

The proposal will measure some 0.9 metres in width, 0.5 metres in depth and a total height of 1.2 metres. It would consist of a map of the Copthorne area, an A1 sign panel and two supporting struts. The proposal forms one of a number of applications forming part of a wider project aimed at identifying circular walks and features of interest for residents and visitors. The frame and struts are to be constructed of aluminium.

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, Crawley Down Neighbourhood Plan and the Site Allocation DPD.

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

Mid Sussex District Plan

The District Plan is up to date and was adopted at Full Council on 28th March 2018.

Relevant policies:

DP6 - Settlement Hierarchy

DP22 - Rights of Way and other Recreational Routes

DP26 - Character and Design

Mid Sussex District Plan 2021-2039 Consultation Draft

The District Council is now in the process of reviewing and updating the District Plan. The new District Plan 2021 - 2039 will replace the current adopted District Plan. The draft District Plan 2021-2039 was published for public consultation on 7th November and the Regulation 18 Consultation period runs to 19th December 2022. No weight can be given to the plan at this stage due to the very early stage that it is at in the consultation process.

Copthorne Neighbourhood Plan (adopted September 2021)

Policy CNP1 - General Development Requirements

Policy CNP11 - CA4: Historic Core

Site Allocations DPD (June 2022)

No relevant policies

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

National Planning Policy Framework (NPPF) (July 2021)

Paragraph 12 of the NPPF states:

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

Paragraph 38 of the NPPF states:

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

National Planning Policy Guidance

ASSESSMENT

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

- The principle of development
- The design and character
- The impact on neighbouring amenities
- Highways matters,
- Other matters, and
- Planning balance and conclusion.

Assessment

Principle of development

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Crawley Down Neighbourhood Plan and the Site Allocation DPD.

Policy DP6 of the Mid Sussex District Plan states in part:

'Development will be permitted within towns and villages with defined built-up area boundaries'

Policy DP22 of the Mid Sussex District Plan states in part:

'Access to the countryside will be encouraged by:

- *Ensuring that (where appropriate) development provides safe and convenient links to rights of way and other recreational routes,*
- *Supporting the provision of additional routes within and between settlements that contribute to providing a joined up network of routes where possible,*
- *Where appropriate, encouraging making new or existing rights of way multi-functional to allow for benefits for a range of users. (Note: 'multi-functional will generally mean able to be used by walkers, cyclists and horse-riders).'*

The application site is located within the Copthorne built up area boundary. The proposal includes a map which identifies historical landmarks and points of interest within Copthorne. The proposal forms one of a number of applications forming part of a wider project aimed at identifying circular walks and features of interest for residents and visitors. As such it is considered to encourage use of paths, making existing rights of way multifunctional, more accessible and enhance the existing public footpaths, rights of way, bridle paths and twittens. It should also be noted that

the proposal's location is within close proximity to a number of Public Rights of Ways. Taking into account the above the proposal is considered to comply with policies DP6 and DP22 of the Mid Sussex District Plan and acceptable in principle.

Design and Character

Policy DP26 of the Mid Sussex District Plan in part states:

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace,*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance,*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape,*
- *protects open spaces, trees and gardens that contribute to the character of the area,*
- *protects valued townscapes and the separate identity and character of towns and villages,*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27),*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible,*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed,*
- *positively addresses sustainability considerations in the layout and the building design,*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre, larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element,*
- *optimises the potential of the site to accommodate development.'*

A similar ethos is found within policy CNP1 of the Copthorne Neighbourhood Plan and the Mid Sussex Design Guide SPD.

The site is located within the Historic Core Copthorne area as designated by the Copthorne Neighbourhood Plan.

Policy CNP12 of the Copthorne Neighbourhood Plan states in part that:

'Development proposals must sustain or reinforce the positive aspects that make up the individual character and distinctiveness of CA4'

The proposal is of a modest scale and there is a variety of street furniture within the surrounding area. There are also a variety of external materials within the surrounding area. The design of the proposal is considered to be uncomplicated in its form and similar development is considered common place within village centres. As such the proposal is considered to address the character and scale of the surrounding buildings and landscape and complies with policy DP26 of the Mid Sussex District Plan, CNP1 and CNP12 of the Copthorne Neighbourhood Plan and the Mid Sussex Design Guide SPD.

Impact on amenities of neighbouring properties

Policy DP26 of the Mid Sussex District Plan in part seeks to ensure 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),'

CNP1.2 of the Copthorne Neighbourhood Plan states:

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

There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect.

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. As such, policy CNP1.2 of the Copthorne Neighbourhood Plan is considered to take precedence and therefore the test in this instance is whether the development causes unreasonable harm to neighbouring amenities as outlined above.

The proposal is of a modest scale and it is not immediately adjacent to any residential properties. Taking into account the above and the nature of the proposal it is not considered to cause unreasonable harm to the amenity (including general activity, access, noise, privacy, daylight, and sunlight) of existing and future occupants, both on site and nearby. As such the proposal complies with the above part of policy CNP1.2 of the Copthorne Neighbourhood Plan.

Highways Matters

Policy DP21 of the Mid Sussex District Plan in part states:

'The Scheme protects the safety of road users and pedestrians.'

The proposed works would be located on land adjacent to the highways boundary however it is of a modest scale and set back from the main highway. There is a variety of existing street furniture within the surrounding area which includes, road signs, directional signs, public bins and benches. As such the proposal is considered to comply with the above-mentioned parts of policy DP21 of the Mid Sussex District Plan.

Other matters

One representation letter has been received in respect of the application. It raises no objection to the proposal as a form of public artwork but does not achieve the objectives stated in the application documents. The details submitted with the application are considered to demonstrate pathways and walkways within Copthorne and Mid Sussex, together with local places of interest. It should also be noted that the proposal's location is within close proximity to a number of Public Rights of Ways and as such the proposed location of the proposal is considered acceptable.

Planning Balance and Conclusions

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

The site lies within the defined built-up area of the village where the principle of development is acceptable under policy DP6 of the Mid Sussex District Plan. Due to the nature of the proposal it is considered to encourage increased use of paths, identify local places of interest, making existing rights of way multifunctional, more accessible and enhance the existing public footpaths, rights of way, bridle paths and twittens.

Taking into account the modest nature of the proposal, its design and position the proposal is considered to address the character and scale of the surrounding buildings and landscape and it would not cause significant harm to the amenities of nearby residents. The proposal's impact on highways safety is considered to be acceptable.

For the above reasons, the proposal is deemed to comply with policies DP6, DP21, DP22 and DP26 of the Mid Sussex District Plan, policies CNP1 and CNP11 of the Copthorne Neighbourhood Plan, the Mid Sussex Design Guide SPD and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

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. **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.
3. No external materials shall be used other than those specified on the approved plans and application form without the prior 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.

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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location Plan	Loc P10	-	03.03.2023
Site Plan	Site W10	-	03.03.2023
Other	-	-	03.03.2023
Photographs	-	-	03.03.2023

APPENDIX B – CONSULTATIONS

APPENDIX B - FULL CONSULTATION RESPONSES

Worth Parish Council

Defer to officer.

