

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1102	Case Officer:	Susan Dubberley
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition No: 2 relating to planning application DM/23/2360 - to amend the drawing list as the site plan has been updated.		
Site:	Francis Court, Borers Arms Road, Copthorne, Crawley, West Sussex, RH10 3LQ, ,		
Validation Date	2 May 2025	Overall Expiry Date:	16 Jul 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	5 Aug 2025
Target Date:	1 Aug 2025	Recommending Officer Signature:	<i>Susan Dubberley</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	5 Aug 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1102

**Francis Court, Borers Arms Road, Copthorne, Crawley, West Sussex, RH10 3LQ,
Variation of condition No: 2 relating to planning application DM/23/2360 - to amend the drawing
list as the site plan has been updated.**

Mr Downs

SUMMARY OF REPRESENTATIONS

None

SUMMARY OF CONSULTATIONS

Highways:

No objection

Tree Officer:

No objection.

Worth Parish Council:

Defer to Officer

INTRODUCTION

This application seeks to amend a planning condition (condition 2) relating to planning application DM/23/2360 - to amend the drawing list as the site plan has been updated.

RELEVANT PLANNING HISTORY

DM/23/2360 - Demolition of existing care home and construction of a 78-bedroom care home (Use Class C2), with associated access, plant, parking, landscaping and site infrastructure. Approved 02.04.2024.

SITE AND SURROUNDINGS

The application site is located between Borers Arms Road and Copthorne Bank. The site formerly contained a vacant two storey care home, currently under demolition, which was located to the west of the site with a parking area in front of the home, beyond which there is a mature garden.

There are two existing vehicle accesses to the site. The main access is off Borers Arms Road with a long entrance drive past the mature gardens that lie to the east, where there are a number of trees that are protected by a Tree Preservation Order (WP/1/TPO/95). There is also a further access on the northern boundary off Copthorne Bank.

The surrounding area is predominantly residential in character. To the north of the site is Copthorne Bank, which has a number of detached residential dwellings set in sizable plots, which face the application site. To the west of the application site lies an open green area and to the east is St Francis Gardens, a residential development, with a terrace of four houses adjoining the eastern boundary of the site. St Francis Gardens is sited on land that was previously part of the convent that was demolished and replaced by the existing care home.

The site is located in the built-up area of Copthorne.

LEGAL FRAMEWORK AND LIST OF POLICIES

LIST OF POLICIES

Mid Sussex District Plan

The District Plan was adopted at Full Council on 28th March 2018. 2018 and forms part of the development plan. Relevant policies include:

Policy DP26: Character and Design

Policy DP21: Transport

Policy DP37: Trees, Woodland and Hedgerows

Site Allocations Development Plan Document

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031. Relevant policies specific to this application include:

None relevant

The Copthorne Neighbourhood Plan

The Copthorne Neighbourhood Plan was made September 2021 and forms part of the development plan. The relevant policies are considered to be:

CNP1.2 -General policy

Mid Sussex District Plan 2021 - 2039 - Submission Draft (Regulation 19)

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and the stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the Policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan

DPB1: Character and Design

DPN4: Trees, Woodland and Hedgerows

DPT4: Parking and Electric Vehicle (EV) Charging Infrastructure

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 POLICY

Assessment

This application is made under section 73 of the Town and Country Planning Act 1990 to vary condition 2 of planning application DM/23/2360 to allow changes to the approved plans for minor amendments to the parking layout.

Condition 2 states:

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.'

Section 73(2) of the Town and Country Planning Act 1990 states "On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application."

As such it is only necessary to consider the specific changes that are proposed to the previously approved development. This application seeks an amendment to condition 2 to vary the list of approved plans to allow an amendment to the access road and parking layout:

As approved the planning application showed the access road from Copthorne Bank tight against the boundary wall (and garage) of No. 8 St Francis Gardens. However, due to the difference in ground levels, to avoid the need to lower the ground levels adjacent to the wall and garage by approximately 1.0m, the proposal now is to narrow the access road and move it away from the boundary wall. Consequently, the parking spaces immediately adjacent to the boundary wall have also been relocated into the main car parking area in front of the care home where there are mature trees. The car park layout has been narrowed and lengthened to reduce the amount of proposed surfacing within the tree root protection zones and accommodate the relocated parking spaces. The number of car parking spaces has not changed.

As such the main issues are design and impact on adjoining properties, trees and parking.

Design and impact on the character of the area

Policy DP26 of the District Plan deals with design matters and states the following:

'All development and surrounding spaces, including alterations and extension to existing buildings and replacement dwellings, will be well designed and reflect and 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.*
- *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 plus unit) scheme will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

The changes to the access road and parking layout in the main car park are considered to be visually acceptable, particularly as they will be viewed in the context of the overall wider site redevelopment.

In view of the above it is considered that the proposal would comply with policy DP26 of the District Plan.

Residential Amenity

With regards to the impact on neighbouring amenity, policy CNP1.2 states that proposals should not cause 'unacceptable' harm to neighbours' amenity whereas policy DP26 of the MSDP states that development should 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. 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. The Copthorne Neighbourhood Plan has been formally made and, as such, policy CNP1.2 is considered to take precedence.

It is not considered that the revised parking layout or changes to the access road will give rise to any unacceptable harm in regard to residential amenity and thus there would be no unacceptable impact on adjoining residential properties arising from the proposal.

Therefore, for the above reasons it is considered that the proposals would comply with policy DP26 of the District Plan and policy CNP1.2 of the Neighbourhood Plan.

Trees

Policy DP37 of the Mid Sussex District Plan states that the *'District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.'*

The tree officer initially commented that Arboricultural Method Statement and Tree Protection Plan would need to be updated to reflect the changes to the car park layout. This has now been submitted, and the Tree Officer has raised no objection stating:

I have reviewed the updated Arboricultural Method Statement and Tree Protection Plan, and I have no objection. I am comfortable that the important trees will be adequately protected provided the measures in this document are implemented.

The application therefore is considered to comply with policy DP37 of the District Plan.

Access and Parking

Policy DP21 the Mid Sussex District Plan requires development to: be sustainably located to minimise the need for travel; promote alternative means of transport to the private car, including provision of

suitable facilities for secure and safe cycle parking; not cause a severe cumulative impact in terms of road safety and increased traffic congestion; be designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages; and provide adequate car parking in accordance with parking standards as agreed by the Local Planning Authority or in accordance with the relevant Neighbourhood Plan.

West Sussex County Council, in its capacity as Local Highway Authority (LHA), have been consulted on the variation of condition and have raised no objection commenting:

The application has been identified in the MSDC RAG (Red, Amber, and Green) Report as "Red" with comments raised regarding "path is very narrow and traffic comes round the bend at excessive speed and it a major cause for concern to residents and the parish Council met with WSCC Highways recently to see if road calming could be introduced" and therefore a site visit was undertaken on 27 May 2025.

The Highways Area Office have confirmed that they have liaised with the Parish about what actions can be taken at this location but traffic calming is not deemed viable at this time. It is understood that there are currently on-going discussions between the Parish, Francis Court and the Area Office about alternative options for pedestrians to access the land at Francis Court to improve safety but this is still in the early stages.

It is worth noting that the variation of condition is sought to narrow the internal access road (removing parking spaces immediately adjacent boundary wall and relocating these). No changes to the existing access with public highway is proposed.

The following observations were made during the site visit:

The existing access on Copthorne Bank was assessed, visibility looked absolutely fine in both directions. Copthorne Bank was moderately trafficked, but seemed to be travelling at and around the posted speed limit. The access looks to have been recently resurfaced, and is currently being used by construction traffic for ongoing development within the site. The footway on Copthorne Bank is relatively narrow, but enough for one person to walk along at a time. It also appears lightly used at this time (10:00am), as I didn't see any other footway user other than myself whilst I was there.

No objections were raised to the original application for replacement care home under DM/23/2360 and swept path tracking was provided under that application showing the workability of the proposed access route. In light of this and observations made on site, the LHA do not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 115), and that there are no transport grounds to resist the proposal.

The application therefore is considered to comply with policy DP21 of the District Plan in regard to access, parking and highway safety.

Conclusion

In conclusion, it is considered that the proposed changes to condition 2 to allow changes to the access road and parking layout, would not significantly impact on the overall appearance of the development as a whole, the trees on the site, parking or residential amenity. The proposal therefore complies with policies DP21, DP26 and DP37 of the District Plan and policy CNP1.2 of the neighbourhood plan.

Decision: Permission

Case Officer: Susan Dubberley