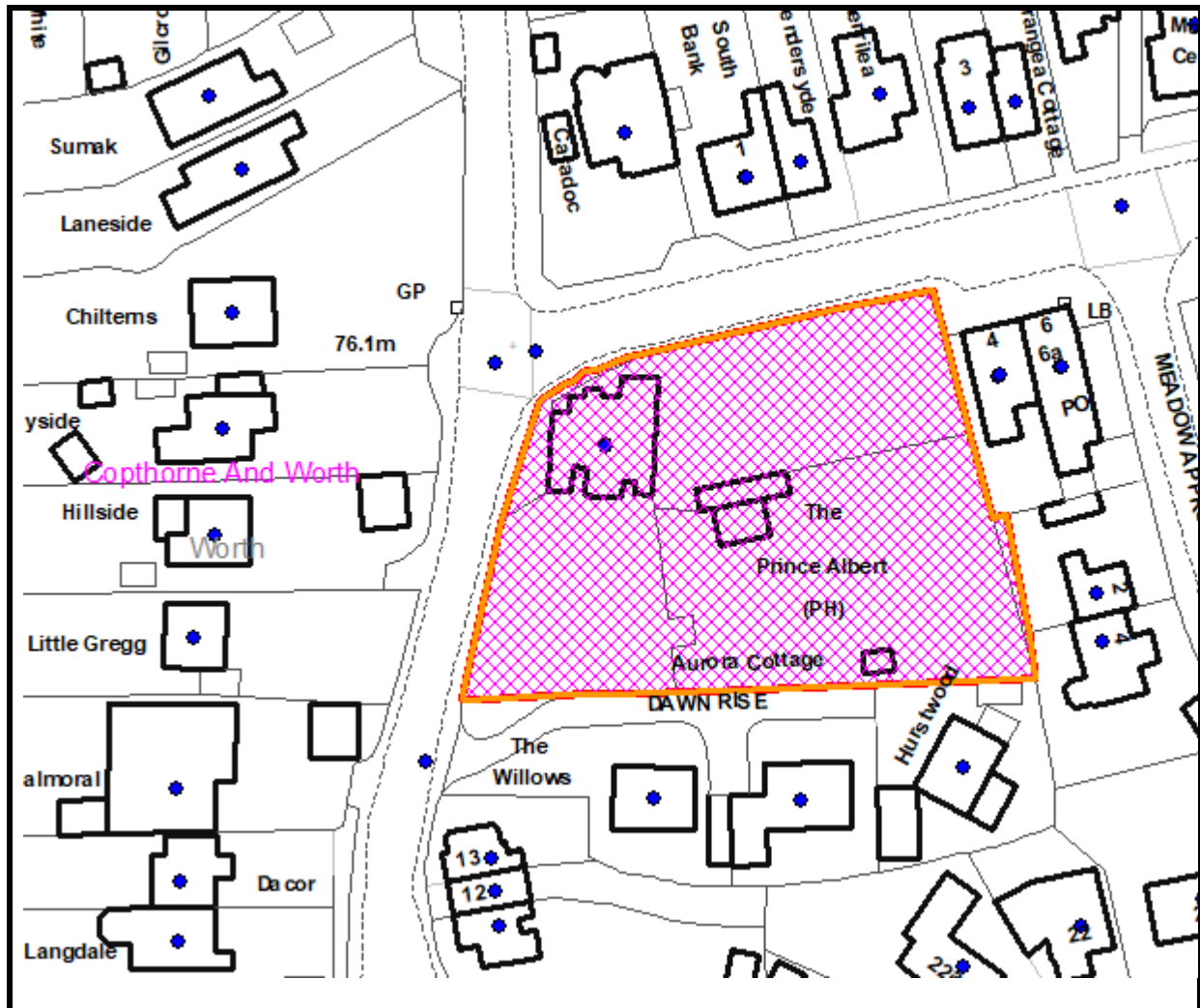


Planning Committee

Recommended for Permission

15th January 2026

DM/24/2957



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Site:	The Prince Albert Copthorne Bank Copthorne Crawley West Sussex
Proposal:	Sever existing land to retain existing public house use and area of pub garden and erect a convenience store and 4 no. apartments with associated works, including alterations to the existing vehicular access and car park
Applicant:	Mr G Heffer
Category:	Minor Other
Target Date:	20th January 2026

Parish:	Worth
Ward Members:	Cllr Graham Casella / Cllr Christopher Phillips /
Case Officer:	Andrew Watt

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SNXG3KKT0D200>

1.0 Purpose of Report

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

2.0 Executive Summary

- 2.1 Full planning permission is to sever the existing land to retain the existing public house use and area of the pub garden and to erect a convenience store and 4 no. apartments with associated works, including alterations to the existing vehicular access and car park.
- 2.2 The application has attracted an unusually large number of representations, the vast majority against it and largely on principle. Residents are particularly concerned with the loss of much of the pub garden and that a new retail unit is being proposed in very close proximity to existing retail units, rather than in Heathy Wood instead, where there are currently none. These concerns are acknowledged, and the Local Planning Authority has worked proactively with the applicant to address such concerns as required.
- 2.3 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 Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document and the Copthorne Neighbourhood Plan.
- 2.4 For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan Policies DP3, DP4, DP6, DP17, DP21, DP25, DP26, DP27, DP28, DP29, DP30, DP37, DP38, DP39, DP41 and DP42 and Neighbourhood Plan Policies CNP1, CNP2, CNP3, CNP4, CNP5, CNP7, CNP11, CNP13, CNP14, CNP15 and CNP16.
- 2.5 As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, it follows that the relevant policies for the supply of housing from the development plan are out-of-date (footnote 8 of paragraph 11 NPPF). As such, reduced weight should be given to these policies.
- 2.6 In these circumstances paragraph 11 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be

granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole (having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination), or specific policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development.

- 2.7 Paragraph 125 of the NPPF states in part (at criteria c) that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused. In this case substantial harm has not been demonstrated and as such substantial weight needs to be given in the planning balance to the value of developing this brownfield site.
- 2.8 In summary, it is considered that the proposal would not jeopardise the viability of the public house and the retail use is acceptable in its own right, which will provide benefits in terms of new employment generation, which should be afforded positive weight.
- 2.9 In terms of the scheme's further benefits, the proposal would provide 4 new dwellings in a sustainable location, which should be given limited weight. The development will result in construction jobs over the life of the build. The development will also result in an increased population for the area, which will allow more spending on services in the surrounding area.
- 2.10 In terms of negative impacts, the proposal will result in the removal of 4 trees, although these will be replaced with 4 new specimens elsewhere on the site, together with new planting. The proposal will also result in the loss of on-site biodiversity, but Biodiversity Net Gain will be provided through off-site credits in compensation.
- 2.11 There will be a neutral impact in respect of a number of issues such as the Green Belt, visual impact, neighbouring amenity, highways, parking, drainage, contamination and sustainability.
- 2.12 There will be no likely significant effect on the Ashdown Forest SPA and SAC.
- 2.13 In weighing up these issues, when taken together, it is not considered that the adverse impacts of the development would significantly or demonstrably outweigh the benefits of the proposal.
- 2.14 In these circumstances the NPPF states that permission should be granted.
- 2.15 There are no other material considerations that would alter the above planning balance.

3.0 Recommendation

- 3.1 It is recommended that the application be approved subject to the conditions set out in Appendix A and a legal agreement to secure off-site highway works.

4.0 Summary of Representations

A total number of 622 representations received over the 5 consultation periods. The representations have raised the following issues which can be summarised as follows:

604 letters of objection received, raising the following concerns:

Principle

- No need for another convenience store. Copthorne has 3 family run stores, plus 2 food stores attached to nearby service stations. Big supermarkets are 5 minutes away by car. Commercial chain shop not wanted.
- Proposed store will outcompete existing stores which are already struggling financially, leading to their closure and vacant commercial units. Will undermine vibrancy of village.
- Kwik Mart, which includes a Post Office, is located next to site. Owners have recently invested over £500,000 in refurbishing unit. Will not be able to compete with larger supermarket brand, leading to loss of Post Office.
- Prince Albert pub is a community asset, part of Copthorne since 1800s and only place locals / families can socialise. Proposed loss of garden and parking will further reduce appeal and viability of pub, ultimately leading to its closure and loss of community asset.
- Object to loss of green space. Pub garden is a valued play facility for children since Council removed play park.
- Money should be invested into improving pub and its garden; village needs a pub that is fit for purpose, could be community run. Has been deliberately run down.
- No need for flats following Heathy Wood / Holly Farm developments with over 500 homes built. Sufficient housing to last until 2030.
- Proposal does not meet the requirements of Copthorne Neighbourhood Plan, Mid Sussex District Plan.

Highways

- Proposal will have unacceptable impact on highway safety, especially for pedestrians and children going to school / playgroup at Delmar Morgan Centre. Currently difficult for pedestrians as narrow pavements/no pavement on part of Brookhill Road. No permanent road crossings to access site safely on foot.
- Roads are heavily congested, especially during construction / since completion of recent housing developments. Cannot sustain more traffic, especially during peak times.
- End of Shipley Bridge Lane onto Antlands Lane regularly floods in winter causing tailbacks down Brookhill Road.
- Issues on M23 or local road closures force huge amount of traffic through village.
- Gatwick expansion will significantly increase traffic.
- Roads especially congested around junction of Brookhill Road / Copthorne Bank. There are regular near misses in area due to speeding vehicles; child was hit by a car on Brookhill Road 6 years ago. Development will exacerbate problems causing more delays. Will create accident hotspot.
- Congestion will cause problems for emergency services.
- Unsafe location to build development. Site is on tight corner with restricted visibility along Shipley Bridge Lane due to rise in land levels and bend in road.
- Entrance to retail unit is too close to a busy junction.
- Proposed access to flats is challenging due to proximity to junction and volume of traffic on Brookhill Road, which is used as a rat run to avoid A264.
- Visibility splay restricted by telegraph pole.
- Traffic calming measures should be installed, i.e. sign to warn of hidden entrance, provision of speed bumps / cushions, pelican / zebra crossing.
- Development is on a bus route and by a bus stop, will make it harder for buses to navigate area and park. Buses / larger vehicles already struggle to turn into Copthorne Bank, having to mount kerb.
- A major brand supermarket will increase traffic from non-residents. Transport Statement advises 749 vehicle movements a day for Tesco Express.

- Proposed parking provision is insufficient; will lead to increase in on-street parking/parking on pavement forcing those in wheelchairs / with prams onto road.
- Already a problem with on-street parking. Residents' driveways are often blocked; difficult for residents on adjoining roads (i.e. Meadow Approach) to access Copthorne Bank due to parked vehicles.
- White lines should be painted across residents' driveways to prevent cars blocking drives and double yellow lines on corner of Meadow Approach.
- Should be more than 2 parking spaces per flat. Plans show no provision for visitor or motorcycle parking, no EV charging points, no cycle parking for pub, insufficient disabled parking and insufficient staff parking. No designated walkway within car park and no protective barriers between eastern parking spaces and adjoining footpath. Insufficient space in car park to apartments to allow vehicles to turn. No proposed illumination.
- Disabled parking bays do not allow driver / passenger to embark from either side of vehicle.
- Entrance to car park not wide enough to accommodate vehicles entering and exiting at same time.
- Entrance to apartments and parking area not suitable for emergency services / larger vehicles; access will require steep slope due to land levels.
- Existing pub car park is used as parking for retail / commercial units on Copthorne Bank and is regularly full. Cars parked in layby and buses at stop restrict visibility when exiting car park.
- Parking spaces for flats will be used by shop customers.
- Proposed relocation of western boundary to pub will decrease width of pavement, making it unsuitable for those with mobility scooters, push chairs.
- Deliveries will cause major congestion. Village streets are not suitable for delivery vehicles turning/reversing.
- Shared delivery parking bay for pub / retail unit not suitable for same time deliveries; where will lorries wait?
- Plan on page 57 of ADL Transport Statement shows entry and exit of a delivery driver to and from car park on Copthorne Bank via Brookhill Road only. It is not correct to state that delivery vehicles can also reverse into parking area.
- Due to turning radius, delivery vehicles will be required to use both sides of Copthorne Bank carriage way when entering / exiting car park.
- Delivery lorries entering / exiting site will pass within cms of parked cars.
- Legally parked vehicles or bus parked along Copthorne Bank could prevent any delivery vehicle from entering or leaving car park.
- Delivery Management Plan is incorrect as barrel deliveries to pub are made to an underground cellar via a hatch on Brookhill Road and not via car park.
- Current issue with delivery drivers not being able to access car park.
- Transport Statement is flawed and incorrect, refers to 2023 data and does not consider impact from Heathy Wood development. There are no permanent pedestrian road crossings near site.
- LHA visited site in March 2025 when Shipley Bridge Lane was closed, so visit was not made when normal traffic movements along Brookhill Road.
- Where will builders park during construction works? Construction will cause massive disruption.
- Site is served by several bus routes. To encourage sustainable travel, Metrobus recommends the following improvements:
 - Provide safe, well lit, fully accessible pedestrian routes between development and nearby bus stops, installing formal pedestrian crossings where necessary, with tactile paving and dropped kerbs to support those with mobility / visual impairments.
 - Upgrade bus stops with hardstanding areas and raised kerbs to improve boarding and alighting for all passengers, including wheelchair users and those with buggies. Improve lighting, provide seating and covered shelters.

Infrastructure

- Insufficient infrastructure to support development.
- Additional housing will place extra pressure on local schools and GP surgery, which are oversubscribed, also impacting neighbouring villages. Village needs another GP surgery, dentist and more school places as new school and GP surgery promised for Heathy Wood development never materialised.
- Local road network already heavily congested and in poor condition, no permanent pedestrian crossings near the site.
- Village needs free parking close to current shops.
- Copthorne does not have a Council built car park.

Design and impact on character of area

- Proposal undermines character and fabric of village which is not a commuter town. Disrupts villages' peaceful environment that has a countryside / rural feel. Redevelopment is destroying village.
- Loss of pub garden / green space is disappointing.
- Insufficient space on site for flats, shop, car park and pub garden. Looks cramped, an overdevelopment.
- Buildings appear to be less than 1 metre from boundary.
- Density of development is not in keeping.
- Apartment building is out of keeping, having detrimental impact on street scene.
- Apartment building, being 2 ½ storeys, will appear visually overbearing and dominant in relation to surrounding properties, especially as in elevated position at top of hill.
- Plans do not show apartment building in relation to pub. Possible that it may be higher than pub which would be inappropriate for a landmark building on prominent junction. Building should be no higher than pub and not more than 2 storeys high.
- Flats could be designed to be more sympathetic to aesthetics of village.
- Site is in need of improvement, but quality of design is lacking.
- Retail unit looks more like a tin box on an industrial state, an eyesore.
- Proposal is contrary to DG41 of Mid Sussex Design Guide concerning sloping sites. Design does not adequately respond to falling gradient of Brookhill Road, lower level in Dawn Rise or height of adjoining cottages and chalets.
- Site plan and elevations do not show change in land levels, no stepped down approach shown to apartments; retaining wall required between boundary of apartments and pub garden. Existing ground levels, proposed slab levels and ridge heights, as well as those of neighbouring properties, should be confirmed.
- Proposed crown roof with weak half hip detail is not in line with Design Guide.
- Please preserve history of village which is mentioned in Domesday Book.
- Design Guide advises against retaining structures around parking areas.
- Store cages and recycling will be an eyesore.
- First and second floors of apartments accessed by a single width staircase, unsuitable for moving large items of furniture.
- Space for flats not big enough.

Drainage

- Proposal will create water run off onto Dawn Rise which is at a lower level; current problems with standing water following heavy rain.
- Any soakaways must be sufficient to cover loss of natural soakaway, pub garden.
- Land at Prince Albert Pub has sub surface freshwater springs, which are not mentioned in supporting documentation. A well was previously found on land.

Residential amenity

- Will cause major disruption to neighbour who works from home, particularly during building works, impacting mental health.

- Will cause loss of light / sunlight to neighbouring property / garden at 2 Meadow Approach, creating sense of enclosure.
- Will have significant impact on outlook for neighbouring properties.
- Will also have significant impact on privacy due to overlooking onto neighbouring properties including those in Dawn Rise, Brookhill Road and at 2 Meadow Approach.
- No. 13 Brookhill Cottages will be overshadowed by apartment block and severely overlooked if fence not erected on boundary.
- Noise from plant room / services of retail unit likely to impact neighbouring properties, particularly at night. Neighbour at no. 4 Meadow Approach requests this is robustly soundproofed or could exacerbate existing health issues.
- Delivery vehicles likely to cause noise / disturbance when reversing, please restrict deliveries to between 08:00 and 20:00 hours.
- Store opening hours are longer than pub, being between 06:00 and 23:00 hours, causing additional noise / disturbance from customers / vehicles. Ignore Sunday trading restrictions.
- Residents of flats will have no privacy being so close to pub garden. Pub has late night music on a Friday night until 1am, likely to cause noise complaints.
- Assume there will be lighting to car park and retail unit, causing light pollution, particularly at night for adjoining properties.
- Ground floor bedrooms of apartments will be impacted by noise of vehicles turning, car doors shutting and car lights shining through windows.
- If fence is placed on southern boundary of site, ground floor living room windows on south elevation of apartment 2 would have no outlook and being adjacent to shared path, reduced privacy.
- Noise Impact Assessment does not consider noise from traffic on Brookhill Road.
- Increase in noise / air pollution from increased traffic.
- Increased traffic congestion will affect residents' quality of life.
- Proposal will cause youths to loiter, increase anti-social behaviour, graffiti, litter and vermin in village.
- Vegetation should be planted between development and 4 Meadow Approach to provide visual screening as rear view from garden will be negatively impacted.

Ecology

- Overdevelopment is destroying environment and wildlife.
- LC Ecological Services Ltd study concludes that mandatory 10% net gain in biodiversity has not been reached.
- BNG is minus 91%. Investing offsite or a penalty payment will not help village.
- There are 30 trees surrounding the site, along with various hedgerows and undergrowth which is home to wildlife.

General comments

- Not interested in flats, houses are acceptable.
- Flats are acceptable, object to new retail unit; a housing development would be less disruptive.
- Application is opportunistic and ill thought out, pure profiteering at residents' expense.
- Additional housing has drastically increased population of area.
- Copthorne Neighbourhood Plan identifies housing need for elderly people; proposed apartments do not fulfil that need.
- Housing unlikely to benefit locals.
- No prior consultation with local residents to seek their views nor discussion of plans with current leaseholders of pub.
- If land must be sold, should be used to serve community; youth club or playground would be more appreciated.
- Can a condition be placed to ensure Post Office remains in village and money raised from development is invested in pub.

- Threat of loss of Post Office conflicts with Treasury Department's 'Cash Access Policy Statement.'
- Retail Justification Statement based on formulaic approach (e.g. population size, average spends, retail sq. footage etc...) however, competition between shops will not be even. Not realistic.
- Tesco Express would be better located elsewhere, such as Heathy Wood development which has no such facilities. Would reduce traffic into village.
- Tesco Express should take over Morrisons Daily Shop which is badly run and often closed.
- Space for store would be better used as drs surgery /pharmacy/ butchers or bakery.
- Pre-application meeting raised concerns that 2 residential properties would restrict operation of pub; this clearly will still be the case.
- Would prefer restaurant to be sited at back of pub.
- Pub garden has no cover for inclement weather.
- Red line boundary of site appears to include highways land on Brookhill Road, does not reflect existing boundary fence line.
- Plans indicate boundary runs through middle of hedge between Dawn Rise and the Prince Albert which is incorrect; boundary is behind hedge on pub side.
- There is a covenant stating there should be access to maintain fence behind hedge on Dawn Rise.
- Footprint of building appears to encroach into Dawn Rise.
- Development will affect telegraph pole / wires; no mention of any telecommunication works.
- Proposal will impact land / property values.
- Site notice does not appear to have been displayed.
- Bin stores will need to properly maintained / regularly emptied to discourage vermin.
- No designated refuse storage area for retail unit.
- Refuse / cycle storage for apartments is inadequate. No allocated space to place bins for collection.
- Would rather see money spent on street lighting in village.
- What disabled provisions have been considered, like wide disabled bays?
- No separate emergency fire escape for first / second floor residents.
- No health and safety / lighting details provided.

14 letters of support raising the following points:

- Proposal will be great for Copthorne and makes good use of a site which has been underused for years and needs urgent regeneration.
- The current site and pub are a blot on Copthorne's landscape, pub is always empty.
- Support the residential element.
- Pub will be able to make renovations with money received from sale of land; will be a great asset to village once completed.
- Looks a good design overall.
- Will be great to have an established supermarket in Copthorne; Tesco Express stores are well run and gives community better choice.
- Proposal will create employment in the area.
- Retail use will increase local property value, make Copthorne more appealing.
- Traffic may increase but suitable measures can be put in place to mitigate risk.

4 letters received neither supporting nor objecting to the proposal.

5.0 Summary of Consultees (full responses can be viewed on the planning file)

5.1 MSDC Consultant Ecologist

Recommend approval, subject to conditions.

5.2 MSDC Contaminated Land Officer

No specific comments regarding the potential for contaminated land based on the available mapping data.

5.3 MSDC Drainage Engineer

No objection, subject to conditions.

5.4 MSDC Environmental Health Food Safety

Detailed comments and advice in respect of food businesses.

5.5 MSDC Environmental Protection Officer

No objection, subject to conditions.

5.6 MSDC Street Naming and Numbering Officer

Informative requested.

5.7 WSCC Highways

No objection, subject to conditions.

5.8 Thames Water

No objection.

6.0 Worth Parish Council Observations

6.1 Worth Parish Council object to the proposed development:

- Overdevelopment
- Detrimental to local community
- Loss of privacy
- Inadequate parking arrangements
- Increased traffic
- Hazardous junction
- Public house threatened by removal of its garden (has been in place since 1948 and will alter its tradeable land (from c. 1,131 sq m to c. 122 sq m) so risks undermining its viability)
- Loss of green space will transform facility from family amenity to adults only bar
- Village already has sufficient supermarkets
- A fourth will jeopardise the viability of existing businesses, including post office
- Potential for increased noise complaints about the pub from new residents
- Lack of concrete sustainability commitments
- Apartment building out of character with village
- Overlooking to the pub garden from the flats
- Noise impacts
- Loss of trees has not been justified
- Proposal should be subject to retail sequential test

- Built out pavement to extend the bus stop will not allow 2 cars to park without encroaching on the Meadow Approach junction

6.2 Full comments dated 31 December 2024, 15 January 2025, 27 May 2025, 25 July 2025, 1 October 2025 and 4 December 2025 can be viewed on the planning file.

7.0 Introduction

7.1 Full planning permission is to sever the existing land to retain the existing public house use and area of the pub garden and to erect a convenience store and 4 no. apartments with associated works, including alterations to the existing vehicular access and car park.

8.0 Relevant Planning History

8.1 In January 2016, planning permission was granted for an extension to the existing public house to provide 8 no. letting rooms, extended kitchen and staff accommodation (DM/15/4045). This permission was not implemented and lapsed.

8.2 In April 2019, planning permission was granted for a proposed 2 storey rear extension with external staircase to provide 8 letting rooms with new kitchen, disabled toilet and staff accommodation (DM/19/0134). This permission has not been implemented and has lapsed.

9.0 Site and Surroundings

9.1 The 0.25 ha site consists of The Prince Albert Public House, which dates back to 1865, a large garden and parking area to the south and east, and storage container to the east with timber smoking shelter behind. The site is located on a large corner plot at the junction between Copthorne Bank and Brookhill Road, and access to the parking area is directly off Copthorne Bank.

9.2 In policy terms, the site lies within the built-up area of Copthorne and the Metropolitan Green Belt. It is subject to an Article 4 Direction 'prohibiting the use of the land for the erection or placing thereon of moveable structures used for human habitation without planning permission first being obtained' and 'prohibiting the use of land for the purpose of parking, storage, warehousing, cleaning, maintenance or repair of motor vehicles and the erection or placing of moveable structures on the land for that use without planning permission first being obtained.' The Copthorne Neighbourhood Plan identifies the site being within the Historic Core and listed as a Parish Heritage Asset. The site is also within the Gatwick Airport Safeguarding Area and Great Crested Newt – Impact Risk Zone (Green). Both Copthorne Bank and Brookhill Road are classified roads.

9.3 It should be noted, for the avoidance of doubt, that the public house is not registered as an Asset of Community Value (under The Localism Act 2011). Although proposed for nomination by Worth Parish Council, it was unsuccessful (Dec 2024).

9.4 The surrounding area is predominantly made up of residential properties, with some commercial and retail premises also present to the east (estate agents, convenience store/post office, pizza takeaway and café).

10.0 Application Details

- 10.1 Full planning permission is to sever the existing land to retain the existing public house use and area of the pub garden and to erect a convenience store and 4 no. apartments with associated works, including alterations to the existing vehicular access and car park.
- 10.2 The proposal is to subdivide the site, leaving the north-west corner around the public house for use as a pub garden and retaining the public house building (and internal flat) in its entirety, together with an external storage area. Immediately south of this will be a new 2.5-storey apartment block building containing 4 flats, with new access onto Brookhill Road and undercroft leading to a 6-space car park and refuse and cycle storage area.
- 10.3 The remainder of the site will be for a new retail convenience store, which will be located within the south-eastern part, with a car park (23 spaces) and delivery area, together with cycle storage, directly in front and utilising a revised access off Copthorne Bank. The plant zone will be in the far south-eastern corner.
- 10.4 The retained pub use quadrant will measure approximately 26m in width at its maximum (on the southern boundary) and 26.7m in depth at its maximum (on the eastern boundary). The resultant pub garden is shown on the plans to the south of the existing building, with the existing external store building being retained in the far south-eastern area. The remaining hardstanding area will have benches within. The south-western section will be grassed with more seating/tables and 2 new Whitebeam trees and 1 new Birch tree.
- 10.5 The new apartment building and ancillary elements will be located due south in the south-west quadrant of the subdivided site. The building will be L-shaped, providing 2 x handed 1-bed flats on the ground floor with small areas of landscaping to both front and rear (including privet hedging to the frontage), and 2 x 2-bed flats above, accessed via an internal staircase on the other side of the new undercroft feature, which will provide vehicular and pedestrian access to a new car parking area (for 6 cars) and refuse and cycle storage, together with a small landscaped area adjacent to the pub garden, also with 1 new Birch tree being planted and a section of privet hedging. A new vehicular access will be formed onto Brookhill Road. The building will measure approximately 14.3m in width at its maximum and 14.7m in depth at its maximum, albeit 7.8m will be of the full height of the building, whereas the easternmost section will be single storey (solely to house the ground floor flats). The maximum height will be approximately 9.2m. Materials will be brickwork to the lower walls, with render and rosemary clay tile hanging above (plus some brick details), UPVC windows with reconstituted stone cills and soldier course heads, composite UPVC doors with storm porch over, grey UPVC fascias, gutters and downpipes, and velux roof windows.
- 10.6 The existing pub car park to the east (containing 23 spaces) and grassed area south of it will also be severed from the pub to provide a new retail convenience store in the south-east corner and car park in front, with revised access onto Copthorne Bank. The building will measure approximately 27.4m in width by 14.7m in depth, with a maximum height (of the monopitched roof) to 4.6m. Materials will be brick elevations with vertical cladding panels, powder coated aluminium windows and doors and grey aluminium fascias, gutters and downpipes. The internal gross retail and storage area will measure 372 sqm – 260 sqm of that will be the total tradable floor area (below the 280 sqm limit within the Sunday Trading Act), and the remainder back of house storage. To the front there will be a delivery access door to the storage area and 2 sets of glazed double doors for customer access plus a

side door to the plant area. The external plant area will be sited to the far south-east boundary, accessed via a gate and enclosed with acoustic fencing. The existing hedge to the south, where it adjoins this area, will be retained (although where it would adjoin the residential use, it would be removed and replaced with 1.8m high close boarded fence). Within the car park will be 23 spaces in total, a cycle store and a delivery/loading bay. It is envisaged that these will be split between the public house (8 spaces) and the retail use (15 spaces). A landscaped area would be provided to the far east, with planting and privet hedge enclosed by 1.8m high close boarded fence. It is envisaged that there will be 6 full-time employees and 17 part-time employees within the retail unit. Opening hours will be 0600hrs to 2300hrs every day.

11.0 Legal Framework and List of Policies

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

11.2 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:

- *The provisions of the development plan, so far as material to the application,*
- *Any local finance considerations, so far as material to the application, and*
- *Any other material considerations.'*

11.3 Section 38(6) of the 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.'

11.4 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.

11.5 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.

11.6 Using this as the starting point, the development plan for this part of Mid Sussex consists of the Mid Sussex District Plan, Site Allocations Development Plan Document (DPD) and the Copthorne Neighbourhood Plan.

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

11.8 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERCA) places a duty on the Council (public authorities) to conserve biodiversity in

exercising its functions. Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.

- 11.9 Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This application was submitted after mandatory biodiversity net gain coming into effect, so this application is subject to the 10% mandatory biodiversity net gain introduced under schedule 7A referred to above.

11.10 **Mid Sussex District Plan (Mar 2018)**

The Mid Sussex District Plan 2014-2031 was adopted at Full Council on 28 March 2018.

Relevant policies:

Policy DP3: Village and Neighbourhood Centre Development

Policy DP4: Housing

Policy DP6: Settlement Hierarchy

Policy DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)

Policy DP21: Transport

Policy DP25: Community Facilities and Local Services

Policy DP26: Character and Design

Policy DP27: Dwelling Space Standards

Policy DP28: Accessibility

Policy DP29: Noise, Air and Light Pollution

Policy DP30: Housing Mix

Policy DP37: Trees, Woodland and Hedgerows

Policy DP38: Biodiversity

Policy DP39: Sustainable Design and Construction

Policy DP41: Flood Risk and Drainage

Policy DP42: Water Infrastructure and the Water Environment

11.11 **Site Allocations DPD**

The SADPD was adopted on 29 June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

There are no relevant policies.

11.12 **Copthorne Neighbourhood Plan (Jun 2021)**

Mid Sussex District Council formally 'made' the Copthorne Neighbourhood Plan part of the Local Development Plan for the Neighbourhood Plan area of Copthorne as of 29 September 2021. The policies contained therein carry full weight as part of the Development Plan for planning decisions within the Copthorne Neighbourhood Plan area.

Relevant policies:

Policy CNP1: General Development Requirements

Policy CNP2: Redevelopment and Infill Development within the defined Built-up Area

Policy CNP3: Homes for Older People

Policy CNP4: Important Community Facilities

Policy CNP5: Conversion of Public Houses

Policy CNP7: Parish Heritage Assets

Policy CNP11: CA4: Historic Core
Policy CNP13: Our Economy
Policy CNP14: Sustainable Transport
Policy CNP15: Car Parking
Policy CNP16: New Parking Areas

11.13 Other Material Considerations

11.14 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 31 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.

Relevant policies:

DPS1: Climate Change
DPS2: Sustainable Design and Construction
DPS4: Flood Risk and Sustainable Drainage
DPS6: Health and Wellbeing
DPN1: Biodiversity, Geodiversity and Nature Recovery
DPN2: Biodiversity Net Gain
DPN4: Trees, Woodland and Hedgerows
DPN6: Pollution
DPN7: Noise Impacts
DPN8: Light Impacts and Dark Skies
DPN9: Air Quality
DPC6: Ashdown Forest SPA and SAC
DPB1: Character and Design
DPT1: Placemaking and Connectivity
DPT3: Active and Sustainable Travel
DPT4: Parking and Electric Vehicle Charging Infrastructure
DPE4: Town and Village Centre Development
DPH1: Housing
DPH3: Sustainable Development – Inside the BUA
DPH11: Dwelling Space Standards
DPH12: Accessibility
DPI6: Community and Cultural Facilities and Local Services
DPI7: Water and Wastewater Infrastructure

11.15 Mid Sussex Design Guide Supplementary Planning Document (Nov 2020)

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 4 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.

Relevant design principles include:

Principle DG5: Water features and sustainable drainage systems
Principle DG6: Design to enhance biodiversity
Principle DG9: Reduce reliance on the private car
Principle DG13: Provide positive frontage to streets
Principle DG18: Integrate parking to support attractive streets and spaces
Principle DG19: Provision of off-street parking
Principle DG21: Consider and allow for servicing, refuse collection and deliveries
Principle DG22: Integrate refuse and recycling into the design of new development
Principle DG24: Plan for cyclists
Principle DG27: Integrate tree planting and soft landscape
Principle DG31: Focus development in sustainable locations
Principle DG37: Deliver high quality buildings that minimise their environmental impact
Principle DG38: Design buildings with architectural integrity and a sense of place
Principle DG39: Deliver appropriately scaled buildings
Principle DG40: Design buildings that respond to and animate the street scene
Principle DG41: Addressing sloping sites
Principle DG44: Design of commercial buildings
Principle DG45: Privacy of existing and future residents
Principle DG46: Provide attractive and usable external amenity space for all homes
Principle DG47: Provide homes with sufficient daylight and sunlight
Principle DG48: Design to minimise the impact of noise, air and light pollution

11.16 Waste Storage and Collection Guidance for New Developments (May 2015)

11.17 National Planning Policy Framework (NPPF) (Dec 2024)

11.18 The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives to sustainable development, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). The three objectives are economic, social and environmental.

11.19 Paragraph 9 of the NPPF states *'these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.'*

11.20 Paragraph 11 of the NPPF sets out that for both plan-making and decision-taking, the presumption in favour of sustainable development should apply.

11.21 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.'

11.22 Paragraph 39 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.'

11.23 With specific reference to decision-taking, paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

11.24 Chapter 11 of the NPPF deals with making effective use of land and paragraph 125 c) sets out that decisions should:

'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused...'

11.25 In addition, paragraphs 56 and 57 (planning conditions), 85 (building a strong, competitive economy), 88 and 89 (supporting a prosperous rural economy), 90 (ensuring the vitality of town centres), 96 (achieving healthy, inclusive and safe places and beautiful buildings), 98 (social, recreational and cultural facilities and services), 101 (public service infrastructure), 102 (public safety), 109 (promoting sustainable transport), 115, 116, 117 and 118 (highways matters), 124 and 125 (making effective use of land), 129 and 130 (achieving appropriate densities), 131 and 135 (design), 136 (trees), 139 (design guidance), 142, 143, 153-160 (Green Belt), 161 (transition to net zero by 2050), 163 (planning for climate change), 166, 167 and 168 (sustainability), 181, 182 (flood risk), 187 (conserving and enhancing the natural environment), 193 (biodiversity and ancient woodland), 194, 195 (habitats sites), 196 and 197 (land instability and contamination), 198 (noise and light pollution), 199 (air quality), 200 and 201 (integration of new development with existing businesses and community facilities) are also considered to be relevant to this application.

11.26 **National Planning Practice Guidance**

11.27 **National Design Guide**

Published in 2021, the National Design Guide illustrates how the government considers well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

Paragraph 134 of the NPPF sets out that this national document, along with the National Model Design Code, should be used to guide decisions on application in the absence of locally design guides or design codes.

11.28 **Technical Housing Standards: Nationally Described Space Standard (Mar 2015)**

11.29 **West Sussex County Council: Guidance on Parking at New Developments (Sep 2020)**

11.30 Air quality and emissions mitigation guidance for Sussex (Jan 2020)

12.0 Assessment

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

- Loss of pub garden land and future viability
- New residential development
- New retail development
- Green Belt
- Design and impact on the character and appearance of the area
- Impact on residential amenity
- Highways
- Flood risk and drainage
- Land contamination
- Sustainability
- Impact on trees
- Ecology
- Biodiversity Net Gain
- Ashdown Forest
- Housing mix
- Housing standards
- Accessibility
- Other matters
- Planning Balance and Conclusion

Loss of pub garden land and future viability

12.2 Policy DP25 of the Mid Sussex District Plan refers to public houses and states (in part):

'Where proposals involve the loss of a community facility, (including those facilities where the loss would reduce the community's ability to meet its day-to-day needs locally) evidence will need to be provided that demonstrates:

- *that the use is no longer viable; or*
- *that there is an existing duplicate facility in the locality which can accommodate the impact of the loss of the facility; or*
- *that a replacement facility will be provided in the locality.'*

12.3 Policy CNP5 of the Neighbourhood Plan states:

CNP5.1

Proposals which would result in the loss of a public house will not be supported unless it can be demonstrated that the existing use is no longer commercially viable.

CNP5.2

If it can be demonstrated that the existing use is not commercially viable development proposals should demonstrate that the site has been fully considered for another community use and that such uses are also not commercially viable.'

12.4 Policy CNP7 of the Neighbourhood Plan identifies the Prince Albert Public House as a Parish Heritage Asset, and states (in part):

'CNP7.1

Development proposals will be supported where they protect and, where practicable, enhance Parish Heritage Assets as identified on the Neighbourhood Plan Policies Map.

CNP7.2

The effect of a development proposal on the significance of a Parish Heritage Asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect a Parish Heritage Asset, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the Asset concerned.'

- 12.5 The application has been accompanied by a Viability Study produced by Savills, to assess whether the loss of land to the rear of the public house from the 'tradeable area' will have an impact on the overall viability of the public house. The full report can be viewed on file.
- 12.6 The report notes that the ground floor consists of an open plan trading area with servery at the rear, WCs nearby and access to a kitchen and cellar at the rear, with the floor above being the owner's accommodation (2-bedrooms, a living room, kitchen and bathroom). Externally, the land in question measures approximately 0.11 ha, so the reduced site (including the pub and car parking area) will reduce from 0.25 ha to 0.14 ha.
- 12.7 The report identifies that the trade split is 95%-5% in favour of wet trade, due to limited catering on site (as the kitchen was used as storage and was not in operation during the inspection), and that the business is clearly reliant on local trade, which is male-dominated.
- 12.8 The report notes that the existing trade garden comprises a large lawned area with seating across loose benches, which has the ability to accommodate around 60 patrons. There is also a large space of scrub land which has been left overgrown and thus the report states that this land is surplus to the requirements of the public house, and the kitchen and bar servery are very small to cater for significant customers. The report opines that the rear land would be unusable during the wetter months due to being grassed.
- 12.9 The report goes on to say that the Prince Albert has no characteristics that fulfil any of the managed house or destination public house requirements, which would typically consist of the following:
- Site size of 0.75 to 1.5 acres;
 - Prominent 'A' road locations;
 - Sufficient car parking of between 60 and 100 car parking spaces;
 - 100 to 200 external covers;
 - 100 to 200 internal covers with optimal operation layout and sufficient kitchen facilities.
- 12.10 As a consequence, it is only likely to be of interest to individual operators and as a wet-led operation.
- 12.11 The report concludes:

'From our inspection of the property, further investigation and analysis, we are of the opinion that the proposal of removing the land to the rear of the Prince Albert (as tradeable area) and relocating the beer garden, will have a nominal effect on the viability of the business in

the short and longer term due to the land being surplus to the requirements of the property and capacity of the kitchen and bar facilities together with the continuation of the patrons that currently frequent the venue.

The updated trade garden is considered to be of ample size in our opinion.

The proposed plans will enable the pub to be invested in in the short term. The scheme proposed will allow the Landlord to invest in the fabric of the public house and re-landscape the grounds to enable a scheme that will benefit the local community with increased footfall and activity on this central hub. The proposed development will therefore provide much needed capital expenditure on the public house to ensure its long-term viability is secured.'

- 12.12 Whilst comments from neighbouring and third-party residents are acknowledged, in particular that the pub garden is used as a play space for children, it must be stated that this garden is a private facility and that a formal open space is located at the Recreation Ground some 230m to the north-east along Copthorne Bank.
- 12.13 Additional concerns have been raised about the seasonality differences in usage. The public house will remain in its entirety and Savills has subsequently confirmed that *'the public house is not serving food and is not currently a family-friendly environment. As a consequence of this, the play equipment is somewhat redundant and with no food being served again patrons do not require large amounts of space to dine externally. The scheme proposed does not remove the trade garden in its entirety, it is simply reducing it in size to reflect the clientele and trade going forward. To conclude, this public house is not a seasonally affected venue, as it is a wet-led local establishment with a very small kitchen (condemned and not in use), which appeals to the immediate residential catchment and therefore is not a food-led destination public house in a desirable 'tourist or convenient' location which is generally impacted by seasonality.'*
- 12.14 On this basis, the new plans show some external garden area being retained close to the pub building, which will be landscaped with 3 new trees and grassed area for 4 tables and 5 benches on the existing hardstanding. For the reasons set out in the Viability Study, it is considered that the premises will remain viable in future based on this proposed arrangement and the proposal will therefore not conflict with Policy DP25 of the Mid Sussex District Plan and Policies CNP5 and CNP7 of the Copthorne Neighbourhood Plan.

New residential development

- 12.15 Turning to the proposed residential use, as noted above, planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 12.16 In terms of policy designations, the starting point for this assessment is that the application site falls within the built-up area of Copthorne as defined by the District Plan.
- 12.17 Copthorne is defined under Policy DP6 of the Mid Sussex District Plan as a Category 2 settlement, i.e. *'Larger villages acting as Local Service Centres providing key services in the rural area of Mid Sussex. These settlements serve the wider hinterland and benefit from a good range of services and facilities, including employment opportunities and access to public transport.'*
- 12.18 Policy DP6 of the District Plan states in part that:

'Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement.'

12.19 Policy CNP2 of the Neighbourhood Plan states:

'Proposals for redevelopment and infill development within the defined built-up area will be supported subject to the following criteria:

- a) The new development will not appear incongruous with the existing character and/or street scene, ensuring the proposed materials, plot size, boundary treatment, built form, building line and gaps between buildings is like those around it.*
- b) Suitable access and on-site parking are provided without causing unacceptable harm to neighbouring properties, pavements, pathways, footpaths, cycle paths, bridleways, established tracks, twittens, and other Rights of Way.*
- c) The new development will not cause unacceptable harm to the amenity of existing and future occupants, both on site and nearby by way of general activity, access, noise, privacy, dominance, daylight, and sunlight.'*

12.20 In principle, the proposed residential development is supported by both policies; however, the detail is assessed under the following sections.

12.21 As per planning legislation, a decision must be made in accordance with the development plan unless there are any material planning considerations which indicate otherwise.

12.22 The policies contained within the NPPF are material considerations which should be taken into account in the determination of this application. This is confirmed within paragraph 231 of the NPPF.

12.23 Paragraph 232 clarifies that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

12.24 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development, and states:

'For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development policies, or the policies which are most important for the determining the application are out-of-date, granting planning permission unless:*
 - i. The application of policies within this Framework that protect areas of assets of particular importance provides a strong reason for refusing development proposed; or*
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making*

effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'

- 12.25 Footnote 7 of paragraph 11(i) clarifies that the policies referred to are those in this Framework (rather than those in development plans) and relate to habitats sites (and those and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets and other heritage assets of archaeological interest; and areas at risk of flooding or coastal change.
- 12.26 Footnote 8 of paragraph 11 clarifies that for applications involving the provision of housing, in situations where the local planning authority cannot demonstrate a five year land supply of delivery housing sites (with an appropriate buffer) or where the Housing Delivery Test indicates that delivery of housing has been substantially below (less than 75% of) the housing requirement for the last three years, then relevant policies for the supply of housing should be considered out-of-date.
- 12.27 Having regard to the above, while the Council has performed excellently in respect of the Housing Delivery Test, a new standard method formula was published alongside the NPPF which gives Mid Sussex a significantly higher housing requirement than the current District Plan. As a result, and having regard for the need for an appropriate buffer, the Council is unable to demonstrate a five-year supply of deliverable housing sites as per the requirements of paragraph 78 of the NPPF.
- 12.28 In light of the above, this development needs to be considered in the context of the presumption in favour of sustainable development. If a development is found to be sustainable, that would weigh heavily in favour of granting permission in the paragraph 11(d) balance. If, however, the development is not found to be sustainable, that is not the end of the matter; the Local Planning Authority still need to go through the weighing up process between the positive benefits of the scheme against any harm that may be caused, having particular regard for the key policies indicated in paragraph 11(d)(ii).
- 12.29 As part of this process, the weight to be given to development plan policies will need to be assessed against the degree of conformity with the NPPF.
- 12.30 Policies DP4 (Housing) and DP6 (Settlement Hierarchy) are relevant to this application. These policies are considered to be policies relating to the supply of housing and as such can be considered to be out-of-date, having regard to the NPPF tests. As such, these policies can be given limited weight in the determination of the application.
- 12.31 Therefore, the key test that must be undertaken when assessing this application is as set out within paragraph 11(d) of the NPPF.
- 12.32 The following sections of the report will consider the relevant matters associated with the proposed development in the context of the development plan and other material considerations, including the NPPF, in order to undertake the necessary tilted balance assessment outlined above.

New retail development

- 12.33 As set out above, Policy DP6 of the District Plan states in part that:

'Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement.'

12.34 Copthorne is a Category 2 settlement under this policy, and the existing convenience stores principally function as day-to-day destinations, for more frequent top-up purchases rather than main shopping. However, in respect of its retail function, Copthorne is not defined as one of the five Village Centres under District Plan Policy DP3.

12.35 Paragraph 85 of the NPPF states:

'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.'

The NPPF provides the following definition of town centres:

'...References to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance....'

In terms of retail impact, paragraph 94 of the NPPF states that:

'When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:

*a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).'*

12.36 Policy DP2 of the Mid Sussex District Plan notes in the supporting text that:

'When assessing planning applications for retail developments outside a town centre, the Retail Study Update 2014 considers that a local impact threshold of 500m² would be justified as an alternative to the default threshold of 2,500m² identified by the National Planning Policy Framework. The level of detail included within a Retail Impact Assessment should be proportionate to the scale and type of retail floorspace proposed, and should be agreed between the Council and the applicant on a case-by-case basis.'

12.37 Based on the above, the proposed retail development of 372 sqm gross falls below both the national and local thresholds for requiring an impact assessment to be carried out.

12.38 The Council's Planning Policy team advised at the pre-application stage that:

'The application site is located within Copthorne Village which is spread out along Copthorne Bank and Church Road and includes a range of services which are local in nature and predominantly independent stores. At the time of the last village health check contained in the Mid Sussex Retail Study (2022), the village included three retail units out of a total of 12, which is described in the study as 'significantly higher than the UK average. The closest of the three stores is located on the adjacent site and includes a post office. The village had no vacant units at this time either.

The proposed retail unit would be the largest in the centre, with a floor area of 372m² – however this falls below the local retail impact assessment threshold of 500m². There is no direct conflict with Local Plan policy DP3 (Village and Neighbourhood Centre development) which seeks to protect against the direct loss of existing retail uses.'

12.39 It should be noted that there is no local or national planning policy requirement to demonstrate retail need.

12.40 Nevertheless, the application has been accompanied by a Retail Justification, which can be viewed on file.

12.41 It highlights that the development is proposed to operate as a local convenience store operating on a top-up basis to serve a local catchment, as follows:

*'- The store will be only 372sqm in size. Convenience stores of this size usually only sell approximately 2,500 product lines, far fewer than the range of lines generally sold in larger supermarkets (between 8,000 to 30,000);
- The actual shop floor will be even smaller at circa 260sqm when factoring in back-of-house requirements, which is below the Sunday Trading Act threshold of 280sqm;
- The shopping trips undertaken at convenience stores are of a small size, usually providing essential goods on a top-up basis;'*

12.42 In accordance with the government's Planning Practice Guidance, which states that the impact test should be *'undertaken in a proportionate and locally appropriate way'*, the Report considers it appropriate to limit the study area to Copthorne village. Your officers agree with this approach.

12.43 The report concludes that:

'The proposed retail unit can be accommodated within Copthorne village based on existing available retail expenditure, with a high surplus remaining, even when assuming a limited population growth from 2021 to 2026 and adopting an incredibly robust sales density figure.

Furthermore, whilst it is emphasised that considerations of retail 'need' have been removed from national planning policy, and that, in any case, there would be no need to undertake such an assessment at this Site, it is argued that such a high surplus can indeed be interpreted to demonstrate a 'need' for additional retail convenience premises.'

12.44 The report also highlights that the application will provide improved access to convenience retail goods and the creation of additional employment opportunities. The application form states that this will be 6 full-time employees and 17 part-time employees.

12.45 In response to the Parish Council's contention that the proposal should be subject to a sequential test (due to it being located outside a centre designated under

Policies DP2 and DP3 [of the District Plan], it is therefore 'out-of-centre' and the sequential test must be applied), the applicant has responded as follows:

'Were a sequential assessment to be applied to the Site, it would be reasonable to assume a catchment area of 1.5km' and this is supported by multiple appeal decisions.

- 12.46 The two nearest Centres designated under Policies DP2 and DP3 are Crawley Down (4.7km away) and East Grinstead (town centre) (10.1km away). Both are well in excess of the catchment area for the proposed store. *'Alternative sites in centres located well beyond the catchment area for the proposal would not be appropriate as they would serve an entirely different catchment to that intended to be served by the proposed development.'*

National Planning Practice Guidance (NPPG), Paragraph: 012 Reference ID: 2b-012-20190722 states:

'Use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations.'

The entire purpose of the proposal is to serve the needs of the local catchment. Indeed, the original Statement identifies that the proposed retail unit can be accommodated within Copthorne based on existing available top-up retail expenditure, indeed with a significant surplus, even when adopting incredibly robust parameters.'

- 12.47 Although the results have subsequently been disputed by the Parish Council, your officers are satisfied that the methodology is policy-compliant.
- 12.48 A significant number of objections have been received from neighbouring residents and third parties in connection with the proposed retail use, in summary, stating that the new convenience store will jeopardise the neighbouring retail stores (one of which is 2 doors away, and also houses the village Post Office). However, as Members will know, competition (between retail premises) is not a planning matter.
- 12.49 In addition, Policy CNP4 of the Neighbourhood Plan designates the Post Office as an Important Community Facility and states that:

CNP4.2

Development proposals that would result in the loss of an Important Community Facility (whether that be the actual facility/building or the use of the facility/building), will not be supported unless it can be demonstrated that the use and building is no longer required.

CNP4.3

Proposals that would involve the relocation of an Important Community Facility elsewhere within the neighbourhood area will be supported where the new location is easily and safely accessible to the local community by foot or cycle.'

- 12.50 Again, a significant number of neighbouring residents have objected to the proposal on account of jeopardising the Post Office use. However, this planning application has to be considered on its own merits, rather than speculation on what may or may not occur in future. As such, the proposal does not conflict with this policy.
- 12.51 A large number of neighbouring residents have also objected to the siting of the retail unit, stating that it would be better located within the Heathy Wood

development to the west rather than adjacent to existing facilities. Members will be aware that determination of any planning application must be made in terms of what is submitted, rather than what may be preferred elsewhere. For the above reasons, it is considered that the retail unit on its own merits is acceptable and does not conflict with Policy DP6 of the Mid Sussex District Plan or national guidance.

Green Belt

12.52 Whilst the application site is located within an area designated as Metropolitan Green Belt, there are no Development Plan policies that specifically refer to Green Belt. However, Chapter 13 of the NPPF (Dec 2024) is relevant. Paragraph 142 advises that ... *'The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.'*

12.53 Paragraph 143 states:

'Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.'*

12.54 Paragraphs 153-160 are also relevant, as follows:

'153. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

154. Development in the Green Belt is inappropriate unless one of the following exceptions applies:

- a) buildings for agriculture and forestry;*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.*

h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- i. mineral extraction;*
- ii. engineering operations;*
- iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.*

155. The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b. There is a demonstrable unmet need for the type of development proposed;*
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
- d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.*

156. Where major development involving the provision of housing is proposed on land released from the Green Belt through plan preparation or review, or on sites in the Green Belt subject to a planning application, the following contributions ('Golden Rules') should be made:

- a. affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or (ii) until such policies are in place, the policy set out in paragraph 157 below;*
- b. necessary improvements to local or national infrastructure; and*
- c. the provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.*

157. Before development plan policies for affordable housing are updated in line with paragraphs 67-68 of this Framework, the affordable housing contribution required to satisfy the Golden Rules is 15 percentage points above the highest existing affordable housing requirement which would otherwise apply to the development, subject to a cap of 50%. In the absence of a pre-existing requirement for affordable housing, a 50% affordable housing contribution should apply by default. The use of site-specific viability assessment for land within or released from the Green Belt should be subject to the approach set out in national planning practice guidance on viability.

158. A development which complies with the Golden Rules should be given significant weight in favour of the grant of permission.

159. The improvements to green spaces required as part of the Golden Rules should contribute positively to the landscape setting of the development, support nature recovery and meet local standards for green space provision where these exist in the development plan. Where no locally specific standards exist, development proposals should meet national standards relevant to the development (these include Natural England standards on accessible green space and urban greening factor and Green Flag criteria). Where land has

been identified as having particular potential for habitat creation or nature recovery within Local Nature Recovery Strategies, proposals should contribute towards these outcomes.

160. When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.'

12.55 It is understood that the Green Belt designation of this area dates (at least) from the transfer of land to Mid Sussex from Tandridge in 1993. Given the urbanised nature of this quite sizeable area of northern Copthorne, which includes land both sides of Copthorne Bank, it is noteworthy that there are no Development Plan policies relating to the Green Belt in either the Mid Sussex District Plan or in the Copthorne Neighbourhood Plan. As such, there does not appear to be any local evidence to explain the purposes of including such land within the Green Belt.

12.56 The nature of the site would be considered to be previously developed, i.e. grey belt. The nature of the proposals, both commercial and residential, together with their ancillary development, means that it would preserve the openness of the Green Belt, such as it is. Accordingly, these would not be deemed as inappropriate developments and nor would they result in harm to the Green Belt, so complying with paragraphs 154e) and g) and 155a), b) and c).

12.57 Based on the above, it is considered that the proposals would accord with the NPPF.

Design and impact on the character and appearance of the area

12.58 Policy DP26 of the Mid Sussex District Plan states:

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*

- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

12.59 Policy CNP1 of the Neighbourhood Plan states:

CNP1.1

Proposals will be supported where they sustain or reinforce the positive aspects that make up the individual character and distinctiveness of each Character Area, as defined on the Policies Map, in which they sit.

CNP1.2

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.

CNP1.3

Proposals should retain features such as shaws, hedgerows, ponds and brooks, and enhance them, where practicable.

CNP1.4

Proposals should protect, and encourage the use of, pavements, pathways, footpaths, cycle paths, bridleways, established tracks and twittens, and other Rights of Way.

CNP1.5

Development proposals should be designed and arranged to maintain separation between Copthorne Village and other surrounding settlements.

CNP1.6

Extensions to existing buildings will be supported provided they adhere to other policies in the development plan and:

- Are no higher than the existing building.*
- Do not conflict with traditional boundary treatment of an area.*
- Use materials which are compatible with materials of existing/surrounding buildings.'*

12.60 Policy CNP2 of the Neighbourhood Plan states:

'Proposals for redevelopment and infill development within the defined built-up area will be supported subject to the following criteria:

- The new development will not appear incongruous with the existing character and/or street scene, ensuring the proposed materials, plot size, boundary treatment, built form, building line and gaps between buildings is like those around it.*
- Suitable access and on-site parking are provided without causing unacceptable harm to neighbouring properties, pavements, pathways, footpaths, cycle paths, bridleways, established tracks, twittens, and other Rights of Way.*
- The new development will not cause unacceptable harm to the amenity of existing and future occupants, both on site and nearby by way of general activity, access, noise, privacy, dominance, daylight, and sunlight.'*

12.61 Policy CNP11 of the Neighbourhood Plan states:

'CNP11.1

As appropriate to their scale and nature development proposals within the defined Character Area 4 – The Historic Core (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 4.8 and 4.9 of the Copthorne Heritage and Character Assessment (May 2019).

CNP11.2

Proposals for replacement shopfronts on retail properties in Copthorne Bank and Church Road should be designed in a traditional fashion taking account of the wider form, proportions and massing of the overall building.

CNP11.3

Development proposals which utilise traditional tile-hanging will be supported.'

- 12.62 Chapter 6 of the Mid Sussex Design Guide SPD relates to high quality and sustainable building design and Design Principle DG44 seeks to ensure that employment buildings respond positively to the character and architectural traditions of the district in terms of scale, mass, form, materials and detailing.
- 12.63 It is considered that the site can satisfactorily accommodate the proposed buildings and their associated development. The layout of both buildings allows spacing around, together with some public-facing landscaping.
- 12.64 The height, design and materials of the retail unit will sit comfortably in the street scene, against the backdrop of the existing evergreen hedge and well set back from Copthorne Bank. It will therefore be subservient to surrounding development. The car park, while being expanded southwards, would have a similar impact to the existing car park, albeit with a more formalised tarmac and paved finish.
- 12.65 The proposed apartment building will sit on the slope of Brookhill Road and will be slightly higher than the ridge height of the existing public house building. However, the façade of the building will be similar in width to that of the public house (facing Copthorne Bank) so will not appear monolithic in this context, particularly as the 2.5-storey depth would be relatively shallow, balanced by the single-storey rear element closest to the southern boundary. The detailed design would not be out of keeping with a built-up area, particularly where there is a significant variety in dwelling types and sizes. While the undercroft feature has been objected to by some residents, it should be noted the presence of such a feature at the village entrance on Brookhill road (Kitsbridge House) together with brick, tile hanging and timber cladding. Thus, the materials palette proposed would not be out of keeping with the area either, particularly as the tile hanging feature would act as an accent to the main brick and rendered elevations.
- 12.66 Accordingly, it is considered that the proposal would comply with Policy DP26 of the Mid Sussex District Plan, Policies CNP1, CNP2 and CNP11 of the Neighbourhood Plan and the Mid Sussex Design Guide SPD.

Impact on residential amenity

- 12.67 Policy DP26 of the Mid Sussex District Plan states (in part):

'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)'*

12.68 Policy DP29 of the District Plan 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;*
- *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.'*

12.69 Policy SA38 of the Site Allocations DPD 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

(AQMA), 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.'

12.70 Design Principle DG48 of the Mid Sussex Design Guide states:

'Noise disturbance and air/light pollution can be reduced through careful design including the following measures:

- Orientating or organising buildings so that the principal habitable rooms and sitting-out areas face away from the source of the pollution;*
- Incorporating design features such as recessed balconies and acoustic lobbies;*
- Constructing barriers such as garages or walls between the source of the pollution and dwellings;*
- Using landscape features (including trees and earth mounding) to absorb noise/air pollution and deflect light; and*
- Avoiding parking where it will create noise and headlight nuisance from vehicle movements.'*

12.71 However, Policy CNP1 of the Neighbourhood Plan states (in part):

'CNP1.2

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.'

12.72 Policy CNP2 of the Neighbourhood Plan states (in part):

'Proposals for redevelopment and infill development within the defined built-up area will be supported subject to the following criteria:

- The new development will not cause unacceptable harm to the amenity of existing and future occupants, both on site and nearby by way of general activity, access, noise, privacy, dominance, daylight, and sunlight.'*

12.73 Although the Mid Sussex District Plan seeks to ensure that development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, the Copthorne Neighbourhood Plan seeks to ensure that development does not cause unacceptable harm to the amenities of existing nearby residents and future occupants.

- 12.74 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 is the more recent development plan to be adopted and, as such, Policies CNP1 and CNP2 would ordinarily take precedence.
- 12.75 However, paragraph 11.17 of this report makes clear that the NPPF is an important material planning consideration. Notwithstanding the requirements of the development plan of the assessment of “*unacceptable harm*” in respect of the impact of a development on residential amenity, paragraph 125 of the NPPF establishes a material planning consideration that affects the test to be applied on developments on brownfield land like this. Criteria c) of paragraph 125 states that decisions should:

‘give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;’

- 12.76 The test of this application in residential amenity terms is therefore whether or not the proposal causes “substantial” harm. It is accepted that a number of existing neighbours will clearly be able to see the new development and it will be a change to the appearance of the site as they see it currently, but this does in itself not constitute substantial harm.
- 12.77 A number of properties would be affected by the proposal (including the pub and its flat), the main ones being:
- To the north: Caradoc, 1 Southbank, Hendersyde and Cherrilea (Copthorne Bank);
 - To the east: 4A, 4B, 6 and 6A Copthorne Bank, 2 and 4 Meadow Approach;
 - To the south: Hurstwood, Aurora Cottage and The Willows (Dawn Rise) and Boundary Cottage (13 Brookhill Road); and
 - To the west: Balmoral, Little Gregg, Hillside, Wayside and Chilterns (Brookhill Road).
- 12.78 Given the relatively modest height of the retail building and the retention of the hedge on the southern boundary adjacent to it, it is not considered that this building would be overbearing on the neighbouring occupants to the east and south.
- 12.79 The proposed apartment building will be sited approximately 1.1m from the southern boundary, where that part of the hedge will be removed and replaced with a 1.8m high close boarded fence. The nearest property to this building, Willows, is sited some 9.3m away at a lower level to the south, but most of this relationship would be oblique and the rear of the proposed building would be single-storey. The side conservatory of Boundary Cottage (13 Brookhill Road) is located approximately 16.8m from the proposed building, also set at a lower level and more directly forward. It is therefore not considered, due to the orientation, depth and distance, that the proposed building would result in an overbearing impact to these residents. There are no upper floor windows to the southern elevation, so there would be no loss of privacy either.

12.80 The dwellings to the west are well set back from Brookhill Road. The nearest, Little Gregg directly opposite, is located some 35m away and therefore even as a front-to-front relationship, would not result in mutual overlooking between these neighbouring properties.

12.81 In relation to construction and operational noise issues that would result from this development, the application has been accompanied by a Planning Noise Assessment Report and a Plant Noise Impact Assessment. Both reports can be viewed on file but, in summary, they former makes the following points:

- The assessment of noise from deliveries shows there may be short-term, adverse impacts, although it must be noted that deliveries are unlikely be made early in the morning or late into the evening, and no more than two main warehouse deliveries will be made in any day.
- The assessment of noise from use of the customer car park shows that the internal noise levels within the proposed flats will be below the level at which lowest adverse effects may be observed.
- When assessing noise from the existing public house beer garden, the predicted noise levels at the most affected residential windows are comfortably within the range of otherwise prevailing LAeq levels during the daytime and are therefore considered suitable.

12.82 The latter makes the following points and recommendation:

- An environmental noise survey has been undertaken to establish the existing prevailing noise levels at locations representative of the noise climate outside the nearest noise sensitive receptors to the proposed plant area.
- The cumulative plant noise emission levels for the new proposed plant have been predicted at the most affected noise sensitive receptor locations and determined to be in compliance with Mid Sussex District Council's usual requirements providing the recommended acoustic screening is installed surrounding the plant area. Therefore, the plant proposals should not be a reason for refusal of planning permission.
- To ensure the new proposed plant is compliant with Mid Sussex District Council's criteria a 2m tall U-shaped acoustic screen would need to be installed surrounding the plant area.

12.83 The Council's Environmental Health Officer made the following comments:

'The proposed development is close to existing residential dwellings. Should planning permission be granted, given the potential for construction phase and operational activities to negatively impact the amenity of existing residents, Environmental Protection recommends conditions to control noise and disturbance from this development.'

12.84 These conditions relate to limiting construction hours, deliveries during construction, deliveries for operational times and a Construction Environmental Management Plan to control noise, illumination, dust control and pollution incident control and to install the acoustic screen (2.4m high) around the retail plant area to suppress the emitted noise levels.

12.85 To summarise, neighbouring residents will clearly be able to see the new development and it will be a change to the appearance of the site, but "substantial" harm, as per paragraph 125c) of the NPPF is a high bar, indeed much higher than the "unacceptable" harm test from CNP1 and CNP2 of the Neighbourhood Plan. Planning officers do not consider that the "substantial harm" threshold has been

reached in this case. With the above conditions secured, it is considered that the proposal would comply with the paragraph 125c) requirements of the NPPF, as well as the “lower” test of Policies CNP1 and CNP2 of the Copthorne Neighbourhood Plan in respect of the effects on residential amenity, together with Policy SA38 of the Site Allocations DPD and the Mid Sussex Design Guide.

Highways

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

'... Decisions on development proposals will take account of whether:

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- *The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- *The scheme protects the safety of road users and pedestrians; and*
- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

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

Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.'

12.87 Policy CNP14 of the Copthorne Neighbourhood Plan 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, cycle ways 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.'

12.88 Policy CNP15 of the Copthorne Neighbourhood Plan states:

'CNP15.1

Developments within the defined Built up Area Boundary which would involve the loss of off-road parking spaces on a site will only be supported where alternative provision is made in accordance with CNP15.3.

CNP15.2

Insofar as planning permission is required development proposals which would result in the loss of parking spaces within an existing garage should provide replacement parking provision in accordance with Policy 15.3

CNP15.3

New development should include car parking spaces in accordance with the greater of:

- a) The latest WSCC guidance at the time the application is submitted. OR*
- b) For residential units, provision of on-plot / off-street car parking spaces in accordance with the following table:*

<i>Number of Bedrooms</i>	<i>Number of parking spaces</i>
<i>1</i>	<i>2</i>
<i>2</i>	<i>2</i>
<i>3</i>	<i>3</i>
<i>4+</i>	<i>4</i>

CNP15.4

Where it can be demonstrated that the application of the higher standards would have a detrimental impact on the proposed development in general, and in the Historic Core character area in particular, the application of the WSCC standards and which respect the details of the site would be supported.'

12.89 Policy CNP16 of the Copthorne Neighbourhood Plan states:

'CNP16.1

Proposals for new small parking areas to address acute on-street car parking problems (such as obstruction and too much demand) in residential areas will be supported where:

- a) The parking area is within a short walk of the location of the acute parking problems.*
- b) Adequate landscaping is incorporated to protect, so far as possible, the character of the area or verge.*
- c) The proposal meets relevant highway standards, in terms of the layout and arrangement of parking provided.*
- d) The proposal follows the latest WSCC parking guidance and principles.*
- e) The proposal is not for airport related parking or to address airport related parking issues.*

CNP16.2

The resulting parking areas should use permeable surfacing or sustainable drainage solutions wherever practicable.'

12.90 Paragraph 116 of the NPPF 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, following mitigation, would be severe, taking into account all reasonable future scenarios.'

12.91 The Highway Authority has raised no objection to the application, following a site visit and review of the accompanying Transport Statement. Comments are as follows:

'Existing

The site in its entirety is currently operating as the Prince Albert public house with associated parking and gardens. It is located on a corner plot on the junction of Brookhill Road and Copthorne Bank with the building footprint in the north western corner and bounding the public highway. There are 2 access points one from Brookhill Road (not in use) and one from Copthorne Bank which serves the car park.

Proposal

The proposed application is for the provision of a new convenience store (GIA 372) with a dedicated loading/unloading bay. The Public House (PFA 82sqm) is to remain and 23 car parking spaces are to be provided to be shared between the convenience store and the pub. This parking area is to be accessed via the existing vehicular access from Copthorne Bank. A residential development of 4 apartments is proposed which will include 6 parking spaces. The residential area will be accessed via a new dropped kerb from Brookhill Road.

Vehicle Access to Car Park (Copthorne Bank)

Access to the convenience store and public house car park will be via the existing access which is to remain as it is currently. A plan has been submitted to show that visibility splays of 2.4m x 43m area achievable in both directions. The splay to the east crossed an existing parking bay. However, as this is an existing access, parking bays are not permanent obstructions and forward visibility for vehicles travelling west along Copthorne Bank is good, this is acceptable. The applicant will need to ensure no signage is placed in the visibility splays.

Visibility splays from the new residential access are 2.4m x 43m to the north with 2.4m x 33m to the south (to the carriageway centre line). This is below standard, however given this is the trailing direction, actual visibility of approaching vehicles (heading north) is actually

closer to 43m. The applicant will need to ensure this visibility splay is kept clear of vegetation to a height of 0.6m.

Delivery Management Plan (DMP)

A DMP has been provided which includes vehicles tracking for delivery vehicles. It is worth noting at this point that the public house would have had deliveries from large vehicles and also waste collections, therefore large vehicles accessing the site is an existing situation. Although the tracking shows there is sufficient room to manoeuvre, delivery vehicles can also to reverse into the site and into the designated loading/unloading bay – it is essential this area is kept free from parking at all times, signage will be required management, via CCTV cameras will be required by the store staff. Delivery vehicles will be able to exit the site in a forward gear. As stated in the DMP a delivery management strategy will need to be utilised to ensure deliveries do not arrive at the same time. Waste and refuse will be taken away by the delivery vehicles, therefore reducing the need for another large vehicle to enter the site.

Traffic Generation and Impact Assessment

The TRICS database has been interrogated to establish the likely existing vehicle trip levels for the public house and the likely proposed trip rates for the proposed convenience store. The data provided shows there is likely to be a significant increase in the number of trips to and from the site which is to be expected. However, studies have indicated that a large proportion of these trips will be via foot or cycle. Cycle parking has been provided and the applicant will need to ensure that walking to and from the site is also suitable for disabled/blind and partially sighted customers.

The residential element of the proposal is unlikely to generate a significant level of traffic and the 6 parking bays provided are acceptable.

S278 Works

The creation of a new vehicle access onto Brookhill Road, the closure of the existing access onto Brookhill Road (including the reinstatement of full height kerbing), the improvements to the vehicle access onto Copthorne Bank and any works to secure the visibility splays will require a section 278 Agreement for works on the public highway. It is also required for tactile paving to be implemented across Copthorne Bank to increase accessibility, this will also be part of the S278 agreement.

No highway objection subject to the following conditions and informative.'

- 12.92 In respect of the proposed parking provision, the West Sussex County Council Guidance on Parking at New Developments identifies Copthorne as being in Parking Behaviour Zone 2, meaning that the expected parking demand for the new residential use will be 6 spaces (higher than the 4 spaces in the Neighbourhood Plan).
- 12.93 However, the guidance makes clear that, for non-residential development, 'it should only be used as an initial guide for developers, who should undertake a site-specific assessment and seek to balance operational needs, space requirements, efficient use of land and cost attributed to providing parking and where relevant, attracting/retaining staff.' It also states that 'businesses should promote sustainable travel behaviour by encouraging employees to travel by non-car modes and reducing the number of single occupancy car journeys. To support sustainable travel measures the availability of car parking or cost of use should be carefully controlled.'

- 12.94 Set against this guidance, the parking provision for the residential part of the development is in compliance, and that for the non-residential elements have been determined by the developer in the first instance, together with cycle parking provision and a willingness to enter into an agreement with the Highway Authority to secure improvements to bus stops and accessibility in the immediately surrounding area to the site (see below). The Highway Authority has raised no objection to the parking provision, and your officers are in agreement with this.
- 12.95 Comments were received from Metrobus, expressing concerns that no improvements were planned for the existing bus stop facilities, despite the site being served by several bus routes. Consequently 3 recommendations were requested:
- Provide safe, well-lit, and accessible pedestrian routes between the development and nearby bus stops;
 - Upgrade stops with hard standing areas and raised kerbs to improve boarding and alighting for all passengers; improve lighting and provide seating; and install shelters where feasible; and
 - Ensure all pedestrian routes between the site and bus stops are fully accessible, with continuous step-free paths, appropriate surface gradients, and inclusive features such as tactile paving and dropped kerbs.
- 12.96 The Highway Authority advised that they would be seeking off-site highway works (through the aforementioned Section 278 agreement), as follows:
- Redundant vehicle crossovers reinstated back to full height kerbs on Brookhill Road. This is to help blind or partially sighted people navigate along the footway because they can use the kerb as a tapping rail with a cane to navigate.
 - A dropped kerb and tactile paving crossing provided at the junction of Shipley Bridge Lane and Copthorne Bank. This is to ensure that trips to and from the new development are accessible for all, irrespective as to their level of mobility.
 - The eastern end of the layby outside of Connells estate agency (shown in the attached photo) should be squared off. Rather than the kerb line being at a 45-degree angle it should be a 90 degree angle to the kerb to provide a larger bus boarding area. This is to help with accessibility access to and from a bus and ensure it is accessible for all.
- 12.97 The applicant agreed to the following works under this S278 agreement:
- Reinstatement of kerb to full-height footway on Brookhill Road
 - Provide dropped kerbs and tactile paving across Copthorne Bank at the junction with Brookhill Road / Shipley Bridge Lane.
 - Provide larger bus alighting area by moving taper slightly to the east.
- 12.98 The Highway Authority agreed subsequently that the optimum arrangement would be for the kerb line to be amended at a 45-degree angle, in order to prioritise access to the bus stop over access to a layby for vehicular traffic.
- 12.99 A Proposed Highways Works plan was submitted, showing a slight build out of the lay-by to 5.5m east of the site boundary, which would maintain space for 2 cars to park; together with the existing access onto Copthorne Bank to be made good and kerbs either side raised to full height; provision of 2 dropped kerbs and tactile paving either side of the Copthorne Bank junction; closure of the existing crossover immediately west of the Public House building and kerb height reinstated; and

formation of new crossover to serve the new residential dwellings off Brookhill Road.

12.100 The Highway Authority confirmed they were satisfied with this plan. Accordingly, this is to be delivered by way of a legal agreement.

12.101 Overall, it is considered that the scheme would comply with Policy DP21 of the Mid Sussex District Plan, Policies CNP14, CNP15 and CNP16 of the Copthorne Neighbourhood Plan and the NPPF.

Flood risk and drainage

12.102 Policy DP41 of the Mid Sussex District Plan states:

'Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.

Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.

Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.

For the redevelopment of brownfield sites, any surface water draining to the foul sewer must be disconnected and managed through SuDS following the remediation of any previously contaminated land.

SuDS should be sensitively designed and located to promote improved biodiversity, an enhanced landscape and good quality spaces that improve public amenities in the area, where possible.

The preferred hierarchy of managing surface water drainage from any development is:

- 1. Infiltration Measures*
- 2. Attenuation and discharge to watercourses; and if these cannot be met,*
- 3. Discharge to surface water only sewers.*

Land that is considered to be required for current and future flood management will be safeguarded from development and proposals will have regard to relevant flood risk plans and strategies.'

12.103 Design Principle DG5 of the Mid Sussex Design Guide states:

'Whenever possible applicants should retain, enhance or re-establish watercourses and other surface waterbodies as positive features contributing to the character, sense of place, ecological value and biodiversity of new development.

Applicants should consider how to manage surface water to minimise flood risk and flows to watercourses. Development proposals should normally incorporate sustainable urban drainage (SuDs) as an integral part of the landscape structure.

SuDs should be positively designed into schemes from the outset as public realm features. These features can include ponds, infiltration basins, swales/rain gardens and wetlands as they:

- Help manage the risk of flooding and climate change;*
- Reduce demand on the sewer network;*
- Manage some pollutants and improve the quality of water going back into the environment; and*
- Can make a positive contribution to the biodiversity, character appearance and sustainable performance of development.*

Swales and attenuation ponds should be designed so that water features and plants are visible from the surrounding area and should avoid unattractive boundary treatments or engineered surrounds. Attenuation ponds on slopes should be avoided if they need deep embankments or bunding.

Consideration must be given to the future management and maintenance of sustainable drainage otherwise flood risk could increase.

The choice of surface materials and the balance of hard and soft landscaping should be considered in terms of the impact upon the drainage system. Where hard landscaping is needed, porous materials should normally be maximised to enable infiltration and manage rainfall at source.'

12.104 The application form states that surface water will be disposed of to a sustainable drainage system and foul sewage will be disposed of via the mains sewer and a connection will be made to the existing drainage system.

12.105 The Council's Drainage Consultant has reviewed the Foul and Surface Water Drainage Report and raises no objection to the proposal. The site is in flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is shown to be at very low surface water flood risk. Drainage can be successfully provided on site, by means of a drainage condition. There is high infiltration potential on the site, so permeable paving or soakaways may be possible on site. Accordingly, subject to two drainage conditions, the proposal would comply with the above policy and NPPF requirements.

Land contamination

12.106 Paragraphs 196 and 197 of the NPPF state:

'196. Planning policies and decisions should ensure that:

a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

197. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.'

12.107 The NPPF Glossary defines Site investigation information as:

'Includes a risk assessment of land potentially affected by contamination, or ground stability and slope stability reports, as appropriate. All investigations of land potentially affected by contamination should be carried out in accordance with established procedures (such as BS10175 Investigation of Potentially Contaminated Sites – Code of Practice).'

12.108 The Council's Contaminated Land Officer has made the following comments:

'I have reviewed the data we hold in relation to this site, and have not found any evidence or information that suggests the land may be contaminated.

As such, I have no specific comments regarding the potential for contaminated land based on the available mapping data.

However, it is important to note that the absence of evidence is not necessarily evidence of absence, and the developer should be aware there may still be potential risks or hazards associated with the land that is not apparent from the available data.'

12.109 Having regard to the above your Planning Officer considered that no conditions need be applied to any planning permission to ensure compliance with the NPPF requirements.

Sustainability

12.110 Policy DP39 of the Mid Sussex 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.'*

12.111 Design Principle DG37 of the Council's Design Guide SPD 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.'

- 12.112 It lists a number of issues that designers should consider, including, amongst others, the incorporation of renewable energy technologies.
- 12.113 Paragraph 164 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 166 expects new development to *'take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*
- 12.114 The proposal has been accompanied by a Sustainability Statement, which sets out the following sustainability measures:

'Reducing Energy Consumption and Carbon Emissions

- *The proposal will be specified to meet or better the very latest Building Regulations standards in terms of maximising building fabric performance for energy efficiency (and hence carbon emissions).*
- *Consideration has been given to the scheme layout and building orientation to maximise solar gain where possible. If viable and practicably, on-site renewables will be used.*
- *The most energy efficient fittings and fixtures will be specified to include heating/hot water systems, low energy lighting, ventilation and white goods.*

Minimising Waste and Increasing Recycling

- *The contractor will be required to separate demolition waste for recycling. It is not considered likely that existing materials will be suitable for reuse on site but, if possible, they will be reused.*

Conserving Water Resources

- *The new buildings will be specified with the most water efficient fixtures and fittings including low-flush toilets, taps, showerheads, boiler and white goods. Rainwater harvesting will be considered if shown to be viable.*

Green Infrastructure

- *BNG credits will be purchased to comply the mandatory 10% net gain requirements.*

Sustainable Drainage

- *See drainage strategy for SUDS proposals.*

Minimising Pollution

- *Beyond carbon emissions previously considered the proposal is not expected to give rise to significant issues of pollution.*

Maximising the Use of Sustainable Materials

- *The contractor will be required to consider the carbon footprint of building materials used including considering sourcing locally produced, renewable and/or recycled materials.*

Adaption to Climate Change

- *Above mentioned measures are all expected to assist the building in adapting to future climate change.'*

- 12.115 Overall, the submitted information is considered acceptable in meeting the terms of the above policies and guidance. It should be noted that in respect of Policy DP39 of the District Plan, the wording of this policy is supportive of improving the sustainability of developments, but there are no prescriptive standards for developments to achieve in respect of carbon emission reductions. Similarly, the wording of Principle DG37 of the Council's Design Guide seeks applicants to demonstrate and consider sustainable matters as part of their design approach, including the use of renewable technologies, but it does not require their use.
- 12.116 Having regard for all the above, and given the context of the application, it is considered that the application complies with Policies DP26 and DP39 of the Mid Sussex District Plan, the Design Guide SPD and paragraphs 161, 164 and 166 of the NPPF.

Impact on trees

12.117 Policy DP37 of the Mid Sussex District Plan states (in part):

'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.'

Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.

Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

- *incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*
- *prevents damage to root systems and takes account of expected future growth; and*
- *where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*
- *has appropriate protection measures throughout the development process; and*
- *takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and*
- *does not sever ecological corridors created by these assets.*

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'

- 12.118 The plans show that 4 trees will be removed to facilitate this development (3 adjacent to the existing car park and 1 towards the south-east boundary), but it is noted that they could be removed at any point currently. The proposals will replace these 4 trees within the new pub garden and the residential landscaped area at the rear. Subject to a condition to retain the tree on the SE boundary and provide the

new planting scheme throughout the development, it is considered that the proposal would comply with Policy DP37 of the Mid Sussex District Plan.

Ecology

12.119 Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. Under Section 13 of the Wildlife and Countryside Act 1981 (as amended), all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Wildlife and Countryside Act 1981 (as amended), certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation (Natural Habitats, 7c.) Regulations 1994 (as amended).

12.120 Policy DP38 of the Mid Sussex District Plan states:

'Biodiversity will be protected and enhanced by ensuring development:

- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- *Promotes the restoration, management and expansion of priority habitats in the District; and*
- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.

Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.

Geodiversity will be protected by ensuring development prevents harm to geological conservation interests, and where possible, enhances such interests. Geological conservation interests include Regionally Important Geological and Geomorphological Sites.'

12.121 Chapter 15 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of

biodiversity value by minimising impacts on and providing net gains for biodiversity. In particular, paragraph 193 states:

'When determining planning applications, local planning authorities should apply the following principles:

- 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;*
- development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'*

12.122 The Council's Ecological consultant has made the following comments:

'We have reviewed the Ecological Impact Assessment (OLC Ecological Services, October 2024) relating to the likely impacts of development on designated sites, protected & Priority species and habitats, identification of appropriate mitigation measures and mandatory Biodiversity Net Gain.

In addition, we have reviewed the information submitted relating to mandatory biodiversity net gains, which includes the Biodiversity Net Gain Report (OLC Ecological Services, October 2024), Statutory Biodiversity Metric (September 2024) and Baseline Habitats (OLC Ecological Services, September 2024).

We note from the Ecological Impact Assessment (OLC Ecological Services, October 2024) that the trees onsite have negligible bat roost potential and that there will be no works to the main public house building. We therefore agree no further surveys are required for bats with regard to buildings or trees.

As mobile protected species such as Hedgehog (Priority species) are present within the locality, we support the Precautionary Method Statement for mobile species in Section 7.4 of the Ecological Impact Assessment (OLC Ecological Services, October 2024), which should be secured by a condition of any consent.

We are satisfied that there is sufficient ecological information available for determination of this application.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Ecological Impact Assessment (OLC Ecological Services, October 2024) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.

If external lighting is required, we support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Ecological Impact Assessment (OLC Ecological Services, October 2024) to avoid impacts from light disturbance. This should be secured by a condition of any consent and implemented in full. Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely to be present within the local area. This should summarise the following measures recommended by Guidance Note:08/23 (Institute of Lighting Professionals) will be implemented:

- *Do not provide excessive lighting. Light levels should be as low as possible as required to fulfil the lighting need.*
- *All luminaires should lack UV elements when manufactured. Metal halide, compact fluorescent sources should not be used.*
- *Warm White lights should be used at <2700k. This is necessary as lighting which emits an ultraviolet component or that has a blue spectral content has a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.*
- *Where appropriate, external security lighting should be set on motion-sensors and set to as short a possible a timer as the risk assessment will allow.*
- *Luminaires should always be mounted horizontally, with no light output above 90° and/or no upward tilt.*
- *Only if all other options have been explored, accessories such as baffles, hoods or louvres can be used to reduce light spill and direct it only to where it is needed. However, due to the lensing and fine cut-off control of the beam inherent in modern LED luminaires, the effect of cowls and baffles is often far less than anticipated and so should not be relied upon solely.*

We also support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Layout and should be secured by a condition of any consent.'

12.123 Your Planning Officer agrees with these comments with and subject to the recommended conditions, it is considered that the proposal would comply with Policy DP38 of the Mid Sussex District Plan, Chapter 15 of the NPPF (including paragraph 193) and the legislation outlined above.

Biodiversity Net Gain

12.124 Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application is deemed to have been granted subject to the biodiversity net gain condition for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

12.125 The biodiversity net gain condition is set out in the Town and Country Planning Act 1990, Schedule 7A, Part 2, 13(2). It states:

‘The condition is that the development may not be begun unless—

- (a) a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and*
- (b) the planning authority has approved the plan (see paragraph 15).’*

12.126 The application has been accompanied by a Biodiversity Net Gain Report which, in summary, sets out that the proposal will result in a -89.37% net loss in habitat value and a -37.14% net loss in linear value. Accordingly, the minimum target of 10% has not been achieved, therefore consideration for habitat creation and/or enhancement either on-site or off-site will be required. The estimated statutory cost of credits totalling 2.58 area units and 0.40 hedgerow units amounts to £125,960.

12.127 The report concludes: *‘To ensure the habitats created on site reach their target condition, a Biodiversity Net Gain Habitat Management and Monitoring Plan (HMMP) will need to be created and implemented. The proposed habitats and features created on site will need to be managed and maintained over a minimum 30-year aftercare period, in line with the mandatory requirements.’*

12.128 The Council’s Ecological consultant has made the following comments:

‘With regard to mandatory biodiversity net gains, it is highlighted that we support the submitted Biodiversity Net Gain Report (LC Ecological Services, October 2024) and Statutory Biodiversity Metric (September 2024). Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and we are satisfied that submitted information provides sufficient information at application stage. However, we note that there will be a loss of -90.08% in habitat units which does not comply with Mid Sussex District Plan DP38 which requires no net loss of biodiversity or with mandatory BNG, which requires a gain of 10% biodiversity. We highlight that net gain must be achieved by the purchase of offsite credits through a provider or through the government’s statutory scheme. As a result, a Biodiversity Gain Plan should be submitted prior to commencement, which also includes the following:

- a) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.*
- b) Pre and post development habitat plans.*
- c) Legal agreement(s)*
- d) Biodiversity Gain Site Register reference numbers (if using off-site units).*
- e) Proof of purchase (if buying statutory biodiversity credits at a last resort).*

In addition, a Habitat Management and Monitoring Plan (HMMP) should be secured for all significant on-site enhancements. Based on the submitted post-intervention values, it is suggested that this includes the following habitats: rural trees. The HMMP should be completed alongside the provision of details relating to the Biodiversity Gain Plan, with the maintenance and monitoring secured via legal obligation or a condition of any consent for a period of up to 30 years. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 2, 5, 10, 15, 20, 25, 30 any remedial action or adaptive management will then be agreed with the LPA to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended).

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013.

- 12.129 As off-site credits will be purchased from the government, there will be no BNG monitoring fee payable, and this mechanism is secured through condition.
- 12.130 Subject to the statutory BNG condition, it is considered that the proposal is acceptable in compliance with biodiversity legislation, policy and guidance.

Ashdown Forest

- 12.131 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).
- 12.132 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.
- 12.133 A Habitats Regulations Assessment screening report has been undertaken for the proposed development.

Recreational disturbance

- 12.134 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.
- 12.135 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.
- 12.136 The proposed development is outside the 7km zone of influence and as such, mitigation is not required.

Atmospheric pollution

- 12.137 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.

12.138 The proposed development was modelled in the Mid Sussex Transport Study as a windfall development such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. Additionally, based on analysis of Census 2011 data, the proposed development is not likely to generate travel to work journeys across 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

12.139 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.

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

12.141 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.

Housing mix

12.142 Policy DP30 of the Mid Sussex District Plan states (in part):

'To support sustainable communities, housing development will:

- *provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs;*
- *meet the current and future needs of different groups in the community including older people, vulnerable groups and those wishing to build their own homes. This could include the provision of bungalows and other forms of suitable accommodation, and the provision of serviced self-build plots;*

Evidence of housing need will be based on the best available evidence (including local evidence provided to support Neighbourhood Plans).'

12.143 Policy CNP3 of the Copthorne Neighbourhood Plan states:

'CNP3.1

Development proposals that would result in the net loss of single storey residential floorspace will not be supported.

CNP3.2

Residential developments which incorporate smaller and accessible homes that meet the needs of older people will be particularly supported.

CNP3.3

Residential developments which achieve a minimum of M4(2) of the optional requirements in the Building Regulations will be particularly supported.'

12.144 The proposal will provide 2 x 1-bed flats and 2 x 2-bed flats, of which the 1-bed units would be located on the ground floor, and this would comply with the above policies.

Housing standards

12.145 Policy DP27 of the Mid Sussex District Plan states:

'Minimum nationally described space standards for internal floor space and storage space will be applied to all new residential development. These standards are applicable to:

- *Open market dwellings and affordable housing;*
- *The full range of dwelling types; and*
- *Dwellings created through subdivision or conversion.*

All dwellings will be required to meet these standards, other than in exceptional circumstances, where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met.'

12.146 The proposed development would provide the following:

- 2 x 1-bed, 2-person flats on the ground floor (50 sq m, meeting the standard of 50 sq m); and
- 1 x 2-bed, 3-person flat on the first floor (72 sq m, exceeding the standard of 61 sq m)
- 1 x 2-bed, 3-person flat on the second floor (68 sq m, exceeding the standard of 61 sq m, due to the high eaves level)

12.147 Accordingly, the proposal would comply with the government's Technical Housing Standards - Nationally Described Space Standards document, so would constitute a high-quality development and thereby comply with Policies DP26 and DP27 of the Mid Sussex District Plan.

Accessibility

12.148 Policy DP28 of the Mid Sussex District Plan states (in part):

'All development will be required to meet and maintain high standards of accessibility so that all users can use them safely and easily.

This will apply to all development, including changes of use, refurbishments and extensions, open spaces, the public realm and transport infrastructure, and will be demonstrated by the applicant.

With regard to listed buildings, meeting standards of accessibility should ensure that the impact on the integrity of the building is minimised.'

12.149 Both the proposed retail unit and ground floor flats will be at grade with the surrounding land, and overall, it is considered that the proposal would provide a high standard of accessibility for the occupiers, thereby complying with this policy.

Other matters

12.150 All the other issues raised during the consultation period have been taken into account and these other issues are either considered not to warrant a refusal of permission, are items that could be dealt with effectively by planning conditions or other legislation or are not even material planning considerations.

12.151 Thames Water has commented on the application and raises no objection to the disposal of surface water and in connection with wastewater network and sewage

treatment works capacity and requests an informative is placed on any planning permission in respect of details of groundwater risk management.

- 12.152 The site is located within a designated Great Crested Newt – Impact Risk Zone (Green). Therefore, having regard to the nature of the application, it is unlikely to have an impact on newts and accordingly there would be no conflict with biodiversity legislation, policy and guidance.
- 12.153 Refuse storage areas will be separated between the retail and the residential uses, and details of which are sought through condition, which would enable compliance with Policy DP26 of the Mid Sussex District Plan.

13.0 Planning Balance and Conclusion

- 13.1 Full planning permission is to sever the existing land to retain the existing public house use and area of the pub garden and to erect a convenience store and 4 no. apartments with associated works, including alterations to the existing vehicular access and car park.
- 13.2 The application has attracted an unusually large number of representations, the vast majority against it and largely on principle. Residents are particularly concerned with the loss of much of the pub garden and that a new retail unit is being proposed in very close proximity to existing retail units, rather than in Heathy Wood instead, where there are currently none. These concerns are acknowledged, and the Local Planning Authority has worked proactively with the applicant to address such concerns as required.
- 13.3 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 Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document and the Copthorne Neighbourhood Plan.
- 13.4 For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan Policies DP3, DP4, DP6, DP17, DP21, DP25, DP26, DP27, DP28, DP29, DP30, DP37, DP38, DP39, DP41 and DP42 and Neighbourhood Plan Policies CNP1, CNP2, CNP3, CNP4, CNP5, CNP7, CNP11, CNP13, CNP14, CNP15 and CNP16.
- 13.5 As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, it follows that the relevant policies for the supply of housing from the development plan are out-of-date (footnote 8 of paragraph 11 NPPF). As such, reduced weight should be given to these policies.
- 13.6 In these circumstances paragraph 11 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole (having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination), or specific policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development.

- 13.7 Paragraph 125 of the NPPF states in part (at criteria c) that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused. In this case substantial harm has not been demonstrated and as such substantial weight needs to be given in the planning balance to the value of developing this brownfield site.
- 13.8 In summary, it is considered that the proposal would not jeopardise the viability of the public house and the retail use is acceptable in its own right, which will provide benefits in terms of new employment generation, which should be afforded positive weight.
- 13.9 In terms of the scheme's further benefits, the proposal would provide 4 new dwellings in a sustainable location, which should be given limited weight. The development will result in construction jobs over the life of the build. The development will also result in an increased population for the area, which will allow more spending on services in the surrounding area.
- 13.10 In terms of negative impacts, the proposal will result in the removal of 4 trees, although these will be replaced with 4 new specimens elsewhere on the site, together with new planting. The proposal will also result in the loss of on-site biodiversity, but Biodiversity Net Gain will be provided through off-site credits in compensation.
- 13.11 There will be a neutral impact in respect of a number of issues such as the Green Belt, visual impact, neighbouring amenity, highways, parking, drainage, contamination and sustainability.
- 13.12 There will be no likely significant effect on the Ashdown Forest SPA and SAC.
- 13.13 In weighing up these issues, when taken together, it is not considered that the adverse impacts of the development would significantly or demonstrably outweigh the benefits of the proposal.
- 13.14 In these circumstances the NPPF states that permission should be granted.
- 13.15 There are no other material considerations that would alter the above planning balance.

APPENDIX A – RECOMMENDED CONDITIONS

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. Pre-commencement conditions

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

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

4. No development shall commence unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development, plus details of replacement tree planting (size, species, maintenance and aftercare (planting, support and feeding)), and these works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which, within a period of 5 years from the completion of the 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

5. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements and Policy DP41 of the Mid Sussex District Plan.

6. No development shall take place until details of the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority, including where necessary proposed contours and finished landscaping, such as

retaining walls or raised terraces. The development shall only be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the amenities of adjacent residents or the appearance of the locality and to accord with Policies DP21 and DP26 of the Mid Sussex District Plan.

7. No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors' buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access in the interests of highway safety and to accord with Policy DP21 of the Mid Sussex District Plan.

8. Prior to the commencement of the development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of measures to control noise or vibration affecting nearby residents; artificial illumination; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents from noise and dust emissions during construction and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

9. A Biodiversity Enhancement Layout for biodiversity enhancements listed in the Ecological Impact Assessment (LC Ecological Services, October 2024) shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Layout shall include the following:

- a) detailed designs or product descriptions for biodiversity enhancements; and
- b) locations, orientations and heights for biodiversity enhancements on appropriate drawings.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under paragraph 187d of the NPPF 2024 and s40 of the NERC Act 2006 (as amended).

10. Construction phase

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 safeguard the amenities of nearby residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

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

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

Saturday: 09:00 - 13:00 hours

Sunday & Public/Bank holidays: None permitted

Reason: To safeguard the amenities of nearby residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

12. Pre-occupation conditions

No building is to be occupied, or brought into use, until a Verification Report pertaining to the surface water drainage system, carried out by a competent Engineer, has been submitted to the Local Planning Authority. The Verification Report shall demonstrate the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets, and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features. The Verification Report should also include an indication of the adopting or maintaining authority or organisation.

Reason: To ensure that the constructed surface water drainage system complies with the approved drainage design and is maintainable and to accord with the NPPF requirements and Policy DP41 of the Mid Sussex District Plan.

13. A lighting design scheme for biodiversity based on Guidance Note: 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority prior to occupation of any part of the development hereby permitted. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (as amended).

14. No part of the development shall be first occupied until such time as the vehicular accesses serving the development has been constructed in accordance with the details to be submitted to and approved by the Highway Authority

Reason: In the interests of road safety and to comply with Policy DP21 of the Mid Sussex District Plan.

15. No part of the development shall be first occupied until visibility splays of 2.4 metres by 44 metres have been provided at the proposed site vehicular access onto Copthorne Bank in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

16. No part of the development shall be first occupied until visibility splays of 2.4 metres by 44 metres to the north and 2.4 metres x 44 metres to the south have been provided at the proposed site vehicular access onto Brookhill Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

17. No part of the development shall be first occupied until such time as the existing vehicular access onto Brookhill Road has been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

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

18. No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and to comply with Policy DP21 of the Mid Sussex District Plan.

19. No part of the development shall be first occupied until pedestrian visibility splays of 2 metres by 2 metres have been provided either side of the proposed site vehicular access onto Brookhill Road in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and to comply with Policy DP21 of the Mid Sussex District Plan.

20. No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development and to comply with Policy DP21 of the Mid Sussex District Plan.

21. Prior to first use of the retail unit hereby permitted, an acoustic screen shall be installed in accordance with the recommendation made in the NSL Plant Noise Impact Report 92419, section 7.1 and the rating level of the noise emitted from fixed plant and equipment (mechanical and electrical) located at the site shall not exceed 39 dB LAeq (daytime) and 31 dB LAeq (night time) at any premises used for residential purposes surrounding the site when assessed in accordance with BS 4142:2014+A1(2019).

Reason: To protect the amenity of existing and future residents from noise and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

22. No part of the development hereby permitted shall be occupied until details of the refuse/recycling storage facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be implemented in accordance with the approved details and thereafter retained.

Reason: In the interests of the amenities of the area, to comply with Policy DP26 of the Mid Sussex District Plan.

23. Post-occupation monitoring / management conditions

The proposed boundary screen walls/fences/hedges shall be implemented in accordance with approved drawing no. 569-1 R1 unless otherwise agreed in writing with the Local Planning Authority. These boundary treatments shall remain in place in perpetuity or unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the appearance of the area and protect the amenities of adjacent residents and to accord with Policy DP26 of the Mid Sussex District Plan.

24. The proposed acoustic screening shall be implemented in accordance with the approved drawing (RF92419 SK001A) and shall remain in place in perpetuity or unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the amenities of adjacent residents and to accord with Policy DP26 of the Mid Sussex District Plan

25. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (LC Ecological Services, October 2024) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the Precautionary Method Statement for mobile species in Section 7.4 of the Ecological Impact Assessment (LC Ecological Services, October 2024), which avoids impacts on protected species.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as

amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

26. Deliveries or collections of commercial goods or waste shall be made with vehicle refrigeration (where applicable) switched off, and shall be limited to the following times on any day:

07:00 - 20:00 hours

Reason: To safeguard the amenities of nearby residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

27. No part of the development hereby permitted shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plans. These facilities shall thereafter be retained for their designated use.

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.

28. The development shall be carried out in accordance with the Sustainability Statement (by Pure Town Planning) submitted as part of the application. On completion of the development, an independent final report shall be prepared and submitted to the Local Planning Authority to demonstrate that the proposals in the Statement have been implemented.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development, in accordance with the NPPF requirements, Policies DP26 and DP39 of the Mid Sussex District Plan.

29. The retail unit hereby permitted shall be open for business only between 0600hrs and 2300hrs each day.

Reason: To protect the amenities of neighbouring occupiers and to accord with Policy DP26 of the Mid Sussex District Plan.

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. You are advised that this planning permission requires compliance with a planning condition(s) before development commences. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying->

conditions (Fee of £145 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.

3. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streethnaming or by phone on 01444 477175.
4. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance. Accordingly, you are requested that:
 - Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800-1800hrs; Saturdays 0900-1300hrs; No construction/demolition work on Sundays or Public Holidays.
 - Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
 - No burning of materials shall take place on site at any time.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

5. Your attention is drawn to the comments of Thames Water dated 17 December 2024.
6. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

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	23-144-01		
Proposed Site Plan	23-144-02	E	
Proposed Floor Plans	23-144-03	B	
Proposed Elevations	23-144-04	B	
Proposed Floor and Elevations Plan	23-144-05	A	
Landscaping Details	569 - 1	R1	
Street Scene	23-144-06	B	
Proposed Elevations	23-144-07		
Other	RF92419 SK001A		
Highways Plans	ADL_6033-05A		