



PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 5 December 2017

DEVELOPMENT: Proposed erection of 8 No. business units (B1/B8) arranged in 2 groups with associated hardstanding and parking.

SITE: Phase 4 Oakhurst Business Park Wilberforce Way Southwater West Sussex RH13 9RT

WARD: Southwater

APPLICATION: DC/17/1023

APPLICANT: **Name:** Horsham District Council **Address:** Parkside Chart Way Horsham RH12 1RL

REASON FOR INCLUSION ON THE AGENDA: Planning application made on behalf of the Council and on land owned by the Council.

RECOMMENDATION: To approve the application subject to conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks full planning approval for the erection of 8x Use Class B1 (business) /B8 (storage/distribution) business units on a vacant site within Oakhurst Business Park in Southwater. The proposal also includes the provision of a new access onto Wilberforce Way, hardstanding, parking and bin storage. The 8x business units would be laid out in 2 separate terraces of 4x units each. The terraces would be arranged opposite one-another with a block-paved service area in the centre comprising 31x car parking spaces and 3x motorcycle spaces. The vehicular entrance to the site would be on the eastern boundary which is accessed directly from within the existing business estate.
- 1.2 During the course of determination, discussion between the applicant and Officer resulted in the submission of amended plans which proposed a revised site layout. The revised layout included a reduction in size to units 28 and 29 and enlargement of unit 27. This report assesses the scheme as amended.
- 1.3 The terrace sited on the north-east boundary of the site (units 22-25) would comprise 4x smaller units (2x 72m² and 2x 73m²), and each of the units would have a disabled WC facility in the rear corner. There would be a loading bay door and pedestrian entrance door at the front of these units, and a further emergency escape door to the rear of each. The block of 4x units on the south-west boundary of the site (units 26-29) would be larger units (1x 137m², 2x 139m², and 1x 322m²). These units would each have a small upper floor

(mezzanine) space, accessed by internal staircases. As with the smaller units, these units would have a loading bay door and pedestrian entrance door to the front, and further emergency escape doors to the rear of each. A small WC facility and a separate disabled WC facility would feature on the ground floor of each of these larger units.

- 1.4 The proposed blocks would have a uniform appearance, consistent with other existing units in the surrounding estate. Units 26-29 on the south elevation would have shallow dual-pitched roofs measuring 8.7m to ridge, and approximately 18.4m in width. The 4 units together would measure 42.5m in length. The smaller units on the north elevation would have shallow single-pitched roofs measuring 8.1m to pitch, and would be 9m in width. The 4 smaller units (units 22-25) together would measure 34.5m in length. The units would be built on a brick base plinth, and would be clad in 'Metallic Silver' metal euro-panels. The gable ends would be clad in vertical 'Slate Grey' euro-panels. The windows and main entrances doors would have dark grey powder coated metal frames. The loading bay doors would be electrically operated and would be dark grey to match the window and door frames. The roofing would be insulated metal roof decking, colour 'albatross'. Photovoltaic panels would be located on the roofs of both blocks, and would protrude above the roof line by approximately 5cm. Triple-glazed roof lights would also feature on the roof pitches of both blocks. The proposed bin store would be located to the left of the site entrance and would measure 4.8m x 3.8m and 2.2m in height.

DESCRIPTION OF THE SITE

- 1.5 The site is located in the village of Southwater which is approximately 4km to the south of Horsham, and is classified as a Small Town/Larger Village in Policy 3 of the Horsham District Planning Framework (HDPF) which means it is a *'settlement with a good range of services and facilities, strong community networks and local employment provision'*. The site is located in Oakhurst Business Park which is an established business facility in Southwater and is within the defined Built-Up Area Boundary of the village. The site is also located within a designated Key Employment Area as described in Policy 9 of the HDPF.
- 1.6 The existing business park is a well-established site comprising several large business units, including the RSPCA headquarters. The site and its immediate vicinity is owned by Horsham District Council and comprises 13 commercial units (use class B1 business /B2 general industrial /B8 storage and distribution) arranged in 3 large terraced blocks around an area of hardstanding used primarily for parking and deliveries. The existing units are of a similar appearance and scale to those proposed – with shallow pitched roofs, measuring up to 9m to ridge height. Beyond the immediate vicinity there are other commercial buildings comprising use classes B1 and B8.
- 1.7 An existing bund/landscaping buffer zone surrounds the site's south-west and north-west boundary which largely screens it from view from Worthing Road which is approximately 40m to the west of the site. The existing bund and landscaping separates Oakhurst Business Park and nearby residential dwellings and was originally required to be 30m wide by the legal agreement associated with the original Outline permission for the Business Park and residential development in the early 1990s. Since its creation, the bund and associated vegetation has matured significantly, and provides effective, dense screening between the Business Park, Worthing Road and nearby properties. The bund/buffer zone in this location currently varies in width between 32 and 40m wide.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

- 2.2 The following Policies are considered to be relevant to the assessment of this application:

National Planning Policy Framework (2012)

Horsham District Planning Framework (2015)

Policy 1 – Sustainable Development
Policy 3 – Development Hierarchy
Policy 7 – Economic Growth
Policy 9 – Employment Development
Policy 24 – Environmental Protection
Policy 31 – Green Infrastructure and Biodiversity
Policy 32 – The Quality of New Development
Policy 33 – Design Principles
Policy 37 – Sustainable Design and Construction
Policy 40 – Sustainable Transport
Policy 41 – Parking

Site Specific Allocations of Land Development Plan Document (2007)

Policy - AL17

RELEVANT NEIGHBOURHOOD PLAN

- 2.3 In February 2014, Southwater Parish Council was designated as a Neighbourhood Development Plan Area. In May 2016 the boundary was amended and the designation was reconfirmed. The Parish are yet to produce a pre-submission plan (Regulation 14) therefore no weight can currently be afforded to the Neighbourhood Planning process in Southwater.

2.4 PLANNING HISTORY AND RELEVANT APPLICATIONS

SQ/91/92	350 dwellings, 5 acres social housing, 350,000 sq. ft. commercial dev. public open space, land for primary sch. est. roads & access (outline)	Application Permitted on 23.02.1993
SQ/70/94	Buffer zone landscaping (reserved matters)	Application Permitted on 31.10.1994
SQ/11/03	Erection of b1,b2 and b8 business units	Application Permitted on 06.03.2003

3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk.

3.2 INTERNAL CONSULTATIONS

HDC Economic Development

Response: 22 May 2017 - Support

‘The low level of commercial vacancies demonstrates the demand for commercial floorspace, with an increasing number of enquiries from businesses looking to relocate and expand. From an economic point of view, this type of proposal should be strongly supported as it provides floorspace suitable for start-up or small businesses’.

Response: 02 August 2017 – Support

'The revised layout appears to be a reasonable compromise and will still provide much needed commercial floorspace'.

HDC Planning Policy (08 June 2017) – Support

'The principle of employment development has been established at Oakhurst Business Park. The development is located within the Built Up Area Boundary and would accord, in principle, with the development hierarchy identified in Policy 3. It is also considered that the proposed development would accord with Policies 7 (5) and 9 (1) and (4) of the HDPF in particular, especially given the current shortfall in employment land in Horsham District'.

HDC Access Forum (23 May 2017) – No Objection

HDC Arboricultural Officer (22 September 2017) – No Objection

'I believe there to be a sufficient measure of foliage on the retained part of the bund to provide an adequate and satisfactory breadth of screening of the industrial site from the residential properties in Worthing Road'.

HDC Environmental Health

Response: 24 May 2017 – No Objection, Conditions Suggested

Suggested conditions include: CEMP, control on construction/demolition hours, no burning of waste, restriction on hours of operation, no external floodlighting, noise impact assessment for any externally located plant or machinery.

Response: 12 June 2017 – No Objection

EH were re-consulted specifically regarding the impact of the development on the existing bund. Their response was as follows:

'I have looked at the plans again and whilst it is clear that the proposal will move the building line closer to Field Cottage and will require some excavation of the earth bund, I do not consider there will be adverse noise impact because the height of the bund will be retained (albeit that the bund's width will reduce) and the buildings are orientated in the best way to minimise noise impact as the buildings themselves will act as a noise barrier'.

Response: 31 July 2017 – No Objection

No objections to the amendment. From a noise impact perspective, moving the building line further from the residential boundaries will be beneficial.

HDC Drainage Engineer

Response: 26 May 2017 – No Objection, Conditions Suggested

'No detailed drainage information has been submitted to make any appropriate comment or observations. Therefore drainage conditions should be applied before any works commence on site, which show full details of the measures to dispose of both foul and surface water'.

Response: 14 August 2017 – No Objection, Conditions Suggested

Ecology Consultant

Response: 11 July 2017 – Holding Objection

Up to date ecology information is required to fully inform the current application. Great crested newts are understood to be present in the wider area, with the potential for impacts during the proposed works. Baseline information regarding the site, and mitigation / compensation measures are required to fully inform the planning decision.

Response: 31 July 2017 – Holding Objection

We have now received the *Preliminary Ecological Appraisal (PEA)* and *Protected Species Survey Reports* by the Ecology Consultancy (2016). At the time the reports were written (2016), no plans for the development were available. The ecology reports provide a good

baseline understanding of the species with potential to be impacted on the site. However, the levels of impact of the submitted scheme have not been assessed, and incorporation of avoidance, mitigation and enhancement measures into the proposals is lacking.

Response: 07 August 2017 – Holding Objection

We have reviewed the amended proposals, together with the *Preliminary Ecological Appraisal (PEA)* and *Protected Species Survey* Reports by the Ecology Consultancy (2016). We welcome the retention of mature trees in the southwest of the site. However, as per the previous response, further assessment of the impacts of the proposals is still required.

Response: 23 October 2017 – No Objection, Conditions Suggested

The updated PEA (dated 18.09.2017), and updated PSS (dated 04.10.2017) have been reviewed. We have discussed the mitigation proposals with the applicant's ecologist, and the updated reports contain detailed information for avoidance, mitigation and enhancement measures. Hazel dormice and great crested newts are known to be present on site and in the wider area, with the potential for impacts during the proposed works. Avoidance, mitigation and compensation measures have been provided within the updated reports that seek to ensure that the action authorised will not be detrimental to the species. As such, we have no objection to the proposals. Mitigation proposals have been provided for the low population of common lizard and avoidance measures with regards to nesting birds have been recommended in the PEA. There is potential for badgers to use the site in the future, although they were considered likely to be absent at the time of the surveys. Conditions suggested include the submission of an Ecological Mitigation and Management Plan prior to site clearance, and no external lighting without consent.

HDC Landscape Architect

Response: 14 July 2017 – Further Information Required

'The request for further information on tree survey and a better understanding of the proposals including relationship with the existing bund is supported. This is now a significant landscape feature and its loss of partial loss should be resisted. An alternative layout should be provided either to show the 8 units rearranged to avoid ingress to the bund or the reduction on the number of units if possible'.

Response: 14 August 2017 - Further Information Required

'I see that they have altered the boundary to allow a 30m clearance between the site and nearest dwelling. However they are still cutting into the bund and when I had a look at the 'landscape proposals' (and can see from an aerial) - they are taking out what would appear to be an area of shrubs and replacing the leftover area, post development, with a wildflower meadow. It really should be a like for like replacement – if they take out shrubs they should put back shrubs. The species, size and spacings should be given. Similarly if the leftover area was meadow, they should replace that part with meadow. There are no plans which show the existing shrub line and meadow and what will be lost and therefore replaced'.

3.3 OUTSIDE AGENCIES

WSCC Highways

Response: 22 May 2017 – No Objection

No highway objections

Response: 03 August 2017 – No Objection

No highway objections

Southern Water

Response: 09 June 2017 – Comment

A desk top study indicates that Southern Water cannot accommodate the needs of this application without the development providing additional local infrastructure. The following condition should be added: *'Development shall not commence until a drainage strategy has been submitted to and approved in writing to the LPA in consultation with the sewerage undertaker'*.

Response: 11 August 2017 – Comment

A desk top study indicates that Southern Water cannot accommodate the needs of this application without the development providing additional local infrastructure. The following condition should be added: *'Construction of the development shall not commence until details of the proposed means of foul sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water'*.

Southwater Parish Council

Response: 09 June 2017 – Objection

'Objection based on the significant erosion of the bund and loss of habitat in an environmentally sensitive area and the potential increase in noise in the area'.

Response: 12 September 2017 – Objection

In addition to their original comments, the PC planning committee also indicated concerns about insufficient main line drainage for the area to cope with the proposed plans and the failure of HDC to take reports submitted from various organisations into account. With regards to drainage you should be aware that there is drainage underneath a section of the land on which you propose to build and this is linked to two storage tanks based underground and adjacent to the Volvo garage which is situated further on the main site. This drainage and storage tank system were put in originally to take off any excess water flowing from the river which enters Southwater at The Nook, New Road, Southwater and travels underground under the Worthing Road to the area in question. It would not be appropriate therefore unless suitable drainage systems were in place to interfere with a system which has effectively seen this area free of flooding since installed.

3.4 PUBLIC CONSULTATIONS

Five (5) letters from 3 different addresses were received in response to this application, all objecting to the proposal. The main grounds for objection include:

- Removal of earth bund and screening
- Removal of trees, impact of RPA's
- Encroachment into bund
- Loss of the 30m buffer required as part of the landscaping scheme of the Outline planning permission from 1993.
- Conflict with the original Design Brief and s106 from 1993.
- Proposal for B8 usage in this location conflicts with original Design Brief.
- Previous appeal decisions dismissed with focus from the Inspector on the importance of a landscape buffer of at least 30m
- Existing units in the business park already create noise nuisance (the proposed units will be even closer)
- HDC are not addressing existing tenant's requirements
- The development will raise revenue for the Council with no regard to existing tenants who cannot expand and already have parking issues.
- Existing lorry parking issues, blocking accesses when loading.
- Units operate outside their licenced hours
- This land should be for additional parking to serve existing businesses.
- More units will add to the current parking pressures.

- Overbearing impact
- Visual/noise impact
- The units will be visible in winter when trees are bare
- Overdevelopment
- Air pollution impact from additional commercial traffic
- Not in line with original plan for a fire station
- Failure to accord with planning policies
- Negative impact on house prices.

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

- 4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

Application Amendments

- 6.1 During the course of determination, discussion between the applicant and Officer resulted in the submission of amended plans which proposed a revised site layout. The revisions were in response to concern raised regarding the originally proposed layout and the impact this was considered to have on the adjacent landscape buffer zone and existing bund. The revised plans were submitted on 26 July 2017 and supersede the originally submitted plans. The following assessment is based on the proposal within the amended plans which were subject to a full public and statutory re-consultation period.

Principle of the Development

- 6.2 Section 1 of the National Planning Policy Framework (NPPF) seeks to achieve sustainable economic growth by proactively encouraging employment development in suitably allocated locations; and by ensuring that there are sufficient local employment opportunities to meet the needs of the District. Through the NPPF, the Government affords significant weight to the aim of achieving sustainable economic development, and this forms the first of 12 'core planning principles' which underpin the planning system in England.
- 6.3 Policy 7 (Economic Growth) of the Horsham District Planning Framework (HDPF) seeks to achieve sustainable economic growth for the Horsham District to 2031. There is currently a shortfall of employment floorspace needed to meet the needs of the District over the plan period, and the aim of this policy is to ensure that a sufficient supply and choice in employment floorspace is provided. Policy 7 seeks to ensure that existing Key Employment Areas are retained for employment use, and enable the intensification and smart-growth of existing sites.
- 6.4 Policy 9 (Employment Development) of the HDPF is also relevant. This policy seeks to protect existing employment and commercial sites to ensure sufficient local employment opportunities are maximised, whilst allowing sites that are no longer economically viable to

be redeveloped for other uses. Policy 9 requires that sites identified in the KEAs should favour employment based redevelopment in the first instance, and that redevelopment in these areas does not result in the overall loss of employment floorspace.

- 6.5 The site is located within the wider Oakhurst Business Park development in Southwater, and is a designated Key Employment Area (KEA) as defined within the HDPF as *'commercial land / premises to be retained for employment use'*. In addition to this allocation, the saved policy allocations within the Site Specific Allocations of Land Development Plan Document (2007) remains part of the Development Plan. Policy reference 'AL17' covers the application site, which is allocated for a fire station in Southwater. Policy AL17 states that if the need for a fire station ceases to exist in the plan period, the allocated land will be made available for business use. Since the 2007 Site Allocations Document was published, it has become apparent that the need for a fire station in this location has ceased. On-going strategic development on sites to the West of Horsham and future large-scale strategic development at North Horsham has resulted in a requirement for a fire station to be located closer to Horsham town. As a result, land for a fire station has been reserved within the Highwood Development (land east of A24) as part of Outline approval reference DC/09/2138. It is therefore considered that allocation AL17 is no longer required for a fire station, and as per the wording of policy AL17, the allocated land can be made available for alternative business use.
- 6.6 By virtue of the nature of the proposed development, and its proposed location within an allocated KEA, the principle of the development of B1/B8 commercial premises is acceptable, and would provide a valuable addition to the existing business park, as well as to economic floorspace and employment opportunities within the District as a whole. The development is considered to accord with the aims of Policies 7 and 9 of the HDPF, and Section 1 of the NPPF, and is considered to be acceptable in principle subject to all other material considerations as discussed below.

Landscape / Tree Impact

- 6.7 As part of the original outline planning permission for the business park (reference SQ/91/92 – permitted February 1993) a landscaping scheme was required to be implemented in accordance with the Design Brief approved as part of the legal agreement in February 1993. The Design Brief sets out the design principles to be applied to the site. Section 3 of the Design Brief refers to the commercial estate development, and paragraphs 3.14 – 3.16 describe the requirements relating to the buffer zones to be provided around the site. This required a buffer zone of 30m in width to be provided, including earth mounding and landscaping to create *'additional visual interest and [to] reinforce the separation of existing housing from the proposed new housing'*.
- 6.8 Notwithstanding the past importance of the Design Brief and the planning purpose it served when the original site was being planned and developed; nearly 25 years have now passed since this was drawn up, and the vast majority of the wider site has long been built out. Since 1993, both local and national planning policies and priorities have changed, and it is the view of Officers that whilst the spirit of the Design Brief in this location is still important, the weight that can be afforded to it in terms of guiding development at the present time is limited.
- 6.9 The importance and purpose of the buffer zone is appreciated, but the encroachment that the proposed development results in does not erode the buffer to a large extent, and enables the retention of the required 30m width in accordance with the Legal Agreement. It is therefore considered that the impact on the buffer zone associated with the current application would not result in significant harm.
- 6.10 As per the Design Brief requirements, and as part of the original construction of the business park and associated housing, the buffer zones and earth mounds were

accordingly installed, and have since matured with the growth of very dense shrubbery and a variety of tree species ranging from around 5-10m in height. There is no formal pedestrian or vehicular access through this landscape/buffer zone, and due to the dense nature of the vegetation it is extremely difficult to access on foot. The buffer zone between the application site and the nearest residential dwelling on Worthing Road (Field Cottage located to the south-west of the site) currently varies in width between around 35-40m, and the buffer zone between the northern corner of the site and Worthing Road is slightly narrower at around 32m. The full stretch of buffer zone in this area is currently wider than the originally required 30m. The highest point of the earth bund is located at the centre of the buffer zone (at a point around 16-18m east of the boundary of Field Cottage). At this point, the 3.25m high earth bund and 5-10m dense tree coverage on the bund top results in a landscape buffer of up to 13m in height.

- 6.11 As can be seen from the submitted site plan (ref 288-PL101.P4) the red line demarcating the boundary of the proposed development site encroaches into the existing landscape buffer zone by approximately 12-16m. The proposed units however, encroach into this zone to a lesser extent (by around 8-12m), with the remaining area to the south-west of the site proposed for replacement planting. The result is that the 30m buffer zone between existing residential dwellings and the commercial buildings (as required by the 1993 Design Code) remains largely intact. It is the view of Officers that whilst a portion of the existing landscape buffer zone will be eroded in order to accommodate the proposed development, the originally required 30m zone in this area would still largely remain. Visually, by virtue of the retention of the 3.25m high earth bund coupled with the density and height of the vegetation (up to 13m in height), means that it is unlikely that the proposed commercial units will be visible from Worthing Road or Field Cottage and its neighbours.
- 6.12 It is acknowledged that as a result of the development there would be some loss of the tree stock to the north of the bund top. The southern flank of the bund will not be affected and would continue to provide coverage of around 22m in length from the boundary of Field Cottage. The Council's Arboricultural Officer was consulted and, having undertaken an extensive site visit, is of the view that the root protection areas (RPAs) of the specimens retained are so small that they will not be adversely affected, and these trees can be successfully retained. As such, it is considered that the overall height of the tree stock on the bund top will be largely unchanged, and that this would be sufficient to screen the proposed industrial building from Field Cottage. It is also noted that 2 fairly large trees (Oak and Hawthorn) within the boundary of Field Cottage would serve to add to the breadth and density of foliage between the residential property and the proposed industrial unit.
- 6.13 The Arboricultural Officer also noted that almost all of the ash trees in the area appear to be infected by Ash Dieback disease (*Chalara fraxinea*), and are already nearly all dead. It is acknowledged that the landowner may accordingly consider action to remove these dead trees, thereby removing the tallest specimens from the area. However, even if this was to take place, it is the view of the Arboricultural Officer that the remaining foliage will soon infill, and the various Oaks, Field Maples and Wild Cherry trees will very quickly outgrow the other species in the area.

Ecology Impact

- 6.14 The applicant submitted a *Preliminary Ecological Appraisal (PEA)* and *Protected Species Survey* to support the application. These reports confirmed that hazel dormice are present on site and in connected habitat in the wider area; great crested newts are present in the wider area; and a low population of common lizard is present on site. Hazel dormice and great crested newts are European Protected Species protected under EU law by the Habitats Directive. It is considered that there is potential for impacts to both species during the proposed works.

- 6.15 The Council's Consultant Ecologist was consulted with regard to this application. Upon review of the submitted ecology studies the Ecologist has confirmed that the reports contain information for avoidance, mitigation and enhancement measures that seek to ensure that the development will not be detrimental to the maintenance of the population of the species concerned. As such, the Ecologist has no objection to the proposals, but recommends a condition requiring an Ecological Mitigation and Enhancement Plan to be submitted prior to commencement of development to demonstrate details of habitat protection, avoidance measures (with regards to protected and notable species); and enhancement measures for biodiversity – both on and off site as per the measures identified in the submitted ecology reports.

Design and Layout

- 6.16 As per the description of the application in section 1 above, the site is laid out with two adjacent terraces containing 4 units each. During the consideration of the application, the size and arrangement of units 26 to 29 were amended in order to reduce their encroachment into the 30m landscape buffer zone. This resulted in smaller sized units 28 and 29, and a larger unit 27. The internal layout of each unit is simple but functional, and each includes disabled WC facilities. Each unit has a loading bay door to the front with associated vehicular loading space, and rear emergency access doors leading to perimeter pathways/escape routes. The central parking and turning 'courtyard' would contain all associated vehicular traffic within the site and would not result in the need for parking or manoeuvring outside of the site boundary. Overall, it is considered that the layout of the site would function appropriately for the intended use (B1/8), and would be in general accordance with the character and layout of other parts of the business park, and with the general development principles contained within Policy 33 of the HDPF.
- 6.17 The units have been designed to be substantially similar in scale and design to those in the wider vicinity. The units range in height from around 7.9m to 8.7m to ridge height which is slightly lower than the ridge height of the adjacent existing buildings which are up to 9m. The roof pitches are shallow and the materials proposed are similar in appearance to those used within the wider site. Block paving is proposed in the central 'courtyard' which matches the paving in other parts of the site. Overall, it is considered that the scale and design of the development is in accordance with the character of the surrounding built environment, and as per the requirements of HDPF Policy 33, therefore would be acceptable.

Impact on Amenity

- 6.19 The nearest residential properties are located to the south-west of the site, along Worthing Road. Field Cottage is the closest dwelling to the application site, the rear boundary of which is located approximately 25m from the red-line boundary of the site (the dwellinghouse itself is located approximately 50m from the proposed development).
- 6.20 The nature of the proposed development as a B1 (offices/ research and development/ light industry) and B8 (wholesale warehouse/ distribution centre/ repository) commercial premises means that some noise is likely to be generated from the site during hours of operation. Paragraph 3.1.2 of the original Design Brief (from 1993) states that the areas of the business park closest to existing residential development should be limited to Use Class B1 only, in order to protect the amenities of adjoining properties.
- 6.20 The wider Oakhurst Business Park site has largely been built-out now, and comprises a variety of commercial businesses operating within use classes B1, B2 and B8, with mature landscaped bunds along the southern and part western boundaries – installed as per the requirements of the original legal agreement (as discussed in paragraphs 6.7-6.13 above). As such the physical attributes of the site and its immediate surrounds have changed considerably since the 1993 Design Brief was approved. With this in mind, although this

site is in slightly closer proximity to residential properties along Worthing Road than the remainder of the existing business park, consideration must be given to whether an unacceptable level of harm to the amenity of neighbouring residents would arise in connection with the proposed use, which includes B8, as well as B1.

- 6.21 The Council's Environmental Health Officer (EHO) has assessed the proposed development and considers that given the orientation of the buildings and the height and width of the retained bund and vegetation, any noise emanating from the site towards nearby residential properties will be minimised. The EHO considers that the positioning of the buildings would act as noise barriers themselves – buffering noise from turning/reversing vehicles in the central courtyard. The only concern the EHO has is if noise producing plant was to be fixed to the external western elevation as this could adversely affected residents in Field Cottage. The plans do not propose this, but notwithstanding the fact that any additional external plant would require separate planning permission in its own right; a condition has been included which would control the future installation of noise producing plant in this location.
- 6.22 To ensure the satisfactory protection of neighbouring amenity, conditions have also been included to control works during construction through the submission of a Construction Management Plan; to control the use or installation of any external lighting; and to prevent B2 (general industrial) use on the site. In order to prevent any unacceptable noise emanating from the site during unsociable hours, a condition is also necessary to restrict the hours of use on the site during the operational phase. This would restrict vehicular movements, operation of plant/machinery, and deliveries taken or dispatched from the site in the evenings, overnight and at weekends.
- 6.23 Overall, despite the guidance in the original Design Brief that sought premises closest to residential dwellings to be B1 use only; given the distance and landscape buffering that would separate the site from the nearest residential dwelling, it is considered that a mixture of B1 and B8 uses on this site would not cause significant harm in terms of residential amenity and would not be incongruous with the established uses within the wider Business Park. Given the site is located within an established KEA, the type of commercial development proposed is considered to be acceptable in principle, and as long as relevant conditions to mitigate any adverse amenity impacts as set out below are imposed, the development is considered to be acceptable in terms of the impact on the amenity of nearby residential properties.

Highways, Access, Parking

- 6.24 The site is considered to be in a sustainable location within the Built-Up Area of Southwater where there is good access to local bus routes and services. Access to the site is already established via the wider road network that connects the wider Oakhurst Business Park site and the internal network that leads to the application site and surrounding areas. The site entrance is appropriately located, and connected to an existing turning head which is wide enough to accommodate the required vehicular access. The County Council were consulted with regard to this application and they have no objection to the proposal. Parking within the site is considered to be sufficient (28 cars, plus 3 disabled spaces) and in general accordance with the WSCC parking standards which requires a maximum of 34 spaces. In addition to car parking, parking for 3 motorcycles and 16 bicycles is provided which is appropriate provision. It is considered that the access and parking arrangement for all modes of transport proposed are in general accordance with the provisions and requirements set out in Policy 41 of the HDPF.

Other Matters

- 6.25 It is acknowledged that historic drainage issues have been identified in and around the development site. The Council's Drainage Engineer was consulted with regard to this

application, and is aware of both the Parish Council's concerns and the associated drainage issues in this location. Despite no detailed drainage information submitted in support of the planning application, the Drainage Engineer has no objection in principle to the proposed development, and suggests that suitable drainage conditions should be applied to any permission granted. Approval of drainage details to be submitted by condition will be required before any works commence on site. Details required must include appropriate measures to dispose both foul and surface water.

- 6.26 Whilst the location of the proposed bin store and cycle shelter have been identified on the proposed site plan, full details of these ancillary facilities (including elevations and materials) are secured to be agreed by condition.

Summary

- 6.27 The principle of additional commercial development within this designated KEA is considered to be acceptable and in accordance with the development hierarchy outlined in Policy 3 of the HDPF, as well as the provisions of Policies 7 and 9 which seek to achieve sustainable economic growth and employment opportunities within the Horsham District. It is acknowledged that the proposed development would encroach into the existing landscape buffer zone/bund which was required by the Design Brief as part of the original outline planning permission in 1993. As confirmed by the Council's Arboricultural Officer the impact of this encroachment in terms of tree/vegetation loss is considered to be minimal, as an extensive stretch of tree cover and vegetation on the southern flank of the bund will remain. The presence of protected species on site and the subsequent impact on ecology is acknowledged, and mitigation measures have been proposed within the submitted ecology reports which have been confirmed by the Council's Ecology Consultant as appropriate and can be secured by condition. Whilst there will be encroachment into the existing buffer zone, the proposed buildings have been positioned to ensure that a 30m separation distance is still intact, and is sufficient to provide a buffer to residential properties as per its original intended purpose.
- 6.28 The design and layout of the proposed development in terms of appearance, scale, character, access, and parking is considered to accord with the overall character and appearance of the wider business park site, and would result in an acceptable development. It is acknowledged that a B1/B8 commercial use on this site is likely to generate some levels of noise, but the Council's EHO has confirmed that the layout of the site and the orientation of the buildings assist in mitigating noise impacts to an acceptable level. Conditions have been suggested by the EHO to ensure the amenity of nearby residents is not adversely affected, including conditions to restrict hours of operation/deliveries.
- 6.29 Overall, it is acknowledged that there would be some minor impacts resulting from this development, but it is considered that these impacts can be satisfactorily mitigated and addressed by condition to result in an acceptable development. The development is considered to be in a suitable location for its purpose (i.e. within a designated KEA), and with the identified need for additional employment floorspace in the district at present, this proposal is considered on balance to be acceptable and in accordance with Policies 3, 7 and 9 of the HDPF and the overarching aims for sustainable economic growth within the NPPF. It is therefore recommended that Members approve the application subject to the suggested conditions listed below.

7. RECOMMENDATIONS

To approve the application subject to the conditions listed below.

- 1 **Plans Condition:** The development hereby permitted shall be carried out in accordance with the approved plans listed.

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

- 2 **Standard Time Condition:** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

- 3 **Pre-Commencement Condition:** No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for, but not be limited to:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding, where appropriate
- v. the provision of wheel washing facilities if necessary
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii. a site plan indicating the location of relevant features listed above.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby businesses and residents during construction and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 4 **Pre-Commencement Condition:** No development shall commence until an Ecological Mitigation and Enhancement Plan (EMEP) indicating how provision will be made for identified protected species and their habitats has been submitted to and approved by the Local Planning Authority in writing. The EMEP shall incorporate all measures proposed within the updated ecology reports (October 2017) and shall include details of habitat protection for retained and adjacent habitats, avoidance measures with regards to protected and notable species (such as great crested newts, dormice, reptiles, badgers and nesting birds), and enhancement measures for biodiversity – both on and off site. The approved provisions shall be implemented before development commences and shall thereafter be retained and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reasons: To provide ecological protection and enhancement in accordance with the Conservation of Habitats & Species Regulations 2010, NPPF and Policy 31 of the Horsham District Planning Framework.

- 5 **Pre-Commencement Condition:** No development shall commence until precise details of the existing and proposed finished floor levels of the development in relation to nearby datum points adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 6 **Pre-Commencement Condition:** No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal and an implementation timetable, has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

- 7 **Pre-Commencement Condition:** No development shall commence until a detailed surface water drainage scheme including a Surface Water Drainage Statement, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be in general accordance with the landscape scheme. The development shall subsequently be implemented prior to first occupation in accordance with the approved details and thereafter retained as such.

Reason: As this matter is fundamental to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015).

- 8 **Pre-Occupation Condition:** Prior to first occupation of the development hereby permitted, full details (including elevations, materials and internal configuration) of the refuse/recycling bin storage facility indicated on plan reference [288-PL-101.P4] shall have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided prior to the first occupation (or use) of any part of the development, and thereafter retained for use at all times.

Reason: To ensure the adequate provision of recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 9 **Pre-Occupation Condition:** Prior to first occupation of the development hereby permitted, full details (including elevations, materials and internal configuration) of the cycle parking facility indicated on plan reference [288-PL-101.P4] shall have been submitted to and approved in writing by the Local Planning Authority. The cycle storage facility shall be provided prior to the first occupation (or use) of any part of the development, and thereafter retained for use at all times.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 10 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, full details of the hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The approved landscape scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Any plants, which within a period of 5 years, 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: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 11 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, the parking turning and access facilities shall have been implemented in accordance with the approved details as shown on plan [288-PL-101.P4], unless details of alternative facilities have been submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development. The approved facilities shall be fully implemented prior to first occupation of the development and thereafter retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 12 **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those detailed on the Proposed Elevations Plan [reference 288-PL-400.P3], unless alternative materials have been submitted to and been approved in writing by the Local Planning Authority prior to the commencement of development above ground floor slab level.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 13 **Regulatory Condition:** No external lighting or floodlighting shall be installed unless approved in writing by the Local Planning Authority.

Reasons: To provide ecological protection and enhancement in accordance with Policy 31 of the Horsham District Planning Framework; and to protect local amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 14 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order), the premises hereby permitted shall only be used for uses falling within Classes B1 and B8, and for no other purposes (including those falling within Class B2 as defined in the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without express planning consent from the Local Planning Authority first being obtained.

Reason: Changes of use as permitted by the Town and Country Planning (General Permitted Development) Order or Use Classes Order 1987 are not considered appropriate in this case due to the unknown and potentially harmful impacts on local amenity under Policy 33 of the Horsham District Planning Framework (2015).

- 15 **Regulatory Condition:** The premises hereby permitted shall not be open for trade or business (including the receipt and/or dispatch of deliveries, and/or the operation of plant/machinery) except between the hours of 07:00 to 18:00 Mondays to Fridays; 07:00 to 13:00 on Saturdays; nor at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 15 **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place except between the hours of 07:00 to 18:00 hours Mondays to

Fridays and 07:00 to 13:00 hours on Saturdays, and at no time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of nearby residents and occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 16 **Regulatory Condition:** All vehicular access to/from the site shall be by Wilberforce Way only.

Reason: For the avoidance of doubt and in the interest of highway safety to accord with Policy 40 of the Horsham District Planning Framework (2015).

NOTE TO APPLICANT

Noise Producing Plant: Please be advised that the development hereby permitted does not relate to any external plant machinery that may be required as part of the development. To safeguard the amenities of nearby residents and occupiers, any plant or machinery that is proposed to be located outside any of the buildings hereby permitted will require an application for planning permission to be submitted to the Local Planning Authority.

Wildlife Protection: The applicant's attention is drawn to the provisions of both the Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992. Under these Acts, it is an offence to intentionally or recklessly kill, disturb, damage or destroy a protected species or its habitat. This includes but is not limited to wild birds, bats, badgers, dormice, reptiles and great crested newts.

Under the Conservation of Habitats and Species Regulations 2010 (as amended), it is an offence to harm or disturb great crested newts and dormice. Planning permission does not provide a defence against prosecution under this legislation. The applicant is advised that it is the opinion of the Local Planning Authority that a Natural England European Protected Species (EPS) licence will be required before any site clearance work is undertaken to implement this planning permission. Other works outside this planning permission (such as vegetation clearance) could also breach this legislation and advice should be obtained from a licensed ecologist before proceeding with any work of this nature.

Southern Water: Please note that Southern Water require a formal application for connection to the water supply in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire (tel: 0330 303 0119) or www.southernwater.co.uk.

Surface Water Drainage Statements: A Surface Water Drainage Statement is a site-specific drainage strategy that demonstrates that the drainage scheme proposed is in compliance with the National Planning Policy Framework and the Non-Statutory Technical Standards for Sustainable Drainage Systems. An Advice Note and a proforma for the statement can be found using the following link <https://www.horsham.gov.uk/planning/development-management>.

Landscape Details: The applicant is advised that full details of the hard and soft landscape works include the provision of, but shall not be necessarily limited to:

- Planting and seeding plans and schedules specifying species, planting size, densities and plant numbers
- Tree pit and staking/underground guying details

- A written hard and soft landscape specification (National Building Specification compliant), including ground preparation, cultivation and other operations associated with plant and grass establishment
- Hard surfacing materials - layout, colour, size, texture, coursing, levels
- Walls, steps, fencing, gates, railings or other supporting structures - location, type, heights and materials
- Minor artefacts and structures - location and type of street furniture, play equipment, refuse and other storage units, lighting columns and lanterns

Background Papers: DC/17/1023