



**TO:** Planning Committee South

**BY:** Head of Development

**DATE:** 20 October 2020

**DEVELOPMENT:** Demolition of existing dwelling, kennels, cattery, animal hospital, grooming parlour and office. Erection of one building for the operation of a business offering hire and sale of non-mechanical plant, plant transport, welfare hire, mechanical repairs and associated offices / sales (B1(a) and (c), B2 and B8 use) associated with Southdown Engineers Ltd together with associated parking and outdoor storage. Erection of a second building for B1(a) and B8 use together with parking and a soft landscaping scheme. The creation of a new vehicular access, blocking up the existing vehicular access, creating a pedestrian access to the bus stops and highway works.

**SITE:** Senlac Shoreham Road Henfield West Sussex BN5 9SE

**WARD:** Henfield

**APPLICATION:** DC/20/0049

**APPLICANT:** **Name:** Mr Sean Preston **Address:** Senlac, Shoreham Road Henfield BN5 9SE

**REASON FOR INCLUSION ON THE AGENDA:** The application if permitted would represent a departure from the development plan.

**RECOMMENDATION:** To approve Planning Permission subject to appropriate conditions

## **1. THE PURPOSE OF THIS REPORT**

1.1 To consider the planning application.

### DESCRIPTION OF THE APPLICATION

1.2 The application seeks the demolition of existing unoccupied dwelling, kennels, cattery, animal hospital, grooming parlour and office (comprising a total of 413sqm) and the erection of two buildings for commercial use on the wider site, together with a new vehicular access, associated parking and landscaping, and associated highway works.

1.3 Building 1 comprises a mix of B1(a)<sup>1</sup>, B1(c), B2 and B8 uses (total 895sqm) and measures 21.6m by 43.9m with a ridge height of 7m. The proposed palette of materials include a brick plinth with metal seam clad elevations and roof in anthracite grey. The eastern elevation comprises larch cladding to the walls instead of steel cladding. Fenestration including doors

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<sup>1</sup> Although B1 uses now fall under Class E of the Use Classes Order, transitional arrangements dictate that for applications submitted before 1 September 2020, decisions should be made using the former Use Classes.

will be anthracite coloured aluminium. The south elevation roof facade includes solar photovoltaic panels with individual panels each measuring 1.6m x 0.99m.

- 1.4 The external area surrounding Building 1 is to be enclosed by 1.2m high Palisade fencing to secure the building, with existing landscaping to be supplemented with new native planting to provide a landscape buffer and soften the building's appearance. The vehicular access will have a macadam surface as will pedestrian footpaths which will also have a spray tar and chip finish. Parking bays are to be surfaced with permeable block paving with concrete surfacing for ingress and egress through the vehicle service bays. It is proposed that the outside storage area will be limited to 2.5m in height to protect the wider landscape.
- 1.5 A soft landscaping scheme and planting plan has been submitted to support the application proposals which includes provision of amenity grassland to the south, long grass and wildflower to the front (east) and back (west) together with new shrub and woodland planting mix to the north west corner of the site.
- 1.6 Building 2 (total 935.1sqm) provides a mix of 2 x B1(a) units (163.9sqm each) and 2 x B8 units (278.5sqm and 328.8sqm respectively) as start-up units for sale or lease. Building 2 measures 20m x 49.6m with a ridge height of 7m. The proposed palette of materials include a brick plinth with vertical larch cladding to the walls and metal seam in anthracite to the roof. The workshop doors, windows and pedestrian doors will be aluminium and anthracite in colour.
- 1.7 The scheme proposes a total of 50 car parking spaces comprising 35 standard parking spaces, 10 electric hook up parking spaces, 5 disabled parking spaces, along with an additional 16 rigid truck and trailer parking spaces. A covered cycle rack is proposed for 12 bicycles. The majority of the car parking spaces and the lorry parking spaces are located along the southern side of the site. Two steel powder coated (anthracite) height barriers are proposed, one to the west of the site approx. 9.2m x 5.05m and one to the east of the site approx. 6.7m x 5.05m.
- 1.8 The existing vehicular access from the A2037 Shoreham Road will be blocked off and a new vehicular access installed further to the south. Additional highway works are proposed as part of the scheme that include a footpath to the bus stops on Shoreham Road, a pedestrian crossing point, and a ghosted right hand turn lane into the site.
- 1.9 External lighting is proposed with 27 x 6m high LED lighting columns some having back shields to redirect any light spillage. Details of the lighting scheme is set out within the MCA Consulting Engineers Ltd Lighting Design Report, Lighting Schedule and External Lighting Plans. The lights will be sensor and time controlled in order to reduce the lighting impact on the surrounding area.
- 1.10 The application proposes that Southdown Engineers (Building 1) core operating hours will be 07:00 hours – 18:00 hours Monday to Friday and 07:00 hours to 13:00 hours on Saturdays with no works on Sundays. Lorries will on occasion need to enter and leave the site between the hours of 06:00 – 07:00 hours and 18:00 – 20:00 hours Monday to Friday. Building 2 (start-up units) will also have hours of use of 07:00 hours – 18:00 hours Monday to Friday and 07:00 to 13:00 hours on Saturday with no works on Sundays.
- 1.11 The application has been subject to an Environmental Impact Assessment screening opinion that has established that it does not constitute development requiring an Environmental Statement. The proposal exceeds the criteria outlined in Schedule 2 of the EIA Regulations, and is therefore necessary to consider whether the development would be likely to have significant effects on the environment. In making this assessment the Council has taken into account Schedule 3 of the EIA regulations paying attention to the development characteristics, location and nature of the impacts. The proposed development does not adjoin any nature conservation or landscape designations. Whilst it is considered that there

are likely to be impacts which arise from the development, particularly those on ecology, transport and construction works, it is considered that there are no significant impacts and as such no issues which need to be dealt with outside from the normal planning application processes.

## DESCRIPTION OF THE SITE

- 1.12 The application site (approximately 1.4 hectares) is located 2kms south of the village of Henfield and outside of any defined settlement areas. The topography of the site is flat and comprises an area of brownfield land some 2,7500sqm in size with a larger proportion of the site being undeveloped grassland. The existing buildings /structures occupy a very small parcel of land within the wider site, which has a predominantly rural character, with the majority of land being laid to grass, along with mature trees and planting to the site boundaries.
- 1.13 The site is occupied in part by buildings previously used for purposes of an animal hospital, kennels, cattery, grooming centre, office and storage which are no longer occupied having been vacated in 2017. The buildings / structures in situ are clustered together to the west of centre along the northern boundary of the site. The existing dwelling (located east of the animal hospital and kennels etc.) has been vacated and was last occupied by a private tenant in May 2020.
- 1.14 The site is accessed from and sits west of the A2037 Shoreham Road, which runs along a north / south axis adjacent to the eastern boundary of the site. To the north of the site are a mosaic of fields divided by tree / hedgerow boundaries; to the east of the site is Henfield Business Park, occupied by various commercial businesses; to the west of the site is woodland; and to the south is the former brickwork site which is also a business park/distribution depot/industrial site with established and authorised use rights.
- 1.15 The site is identified as falling within Flood Zone 1 (0.1% chance of flooding in any year or 1:10000 year chance), it is noted that approximately 564m to the south lies land that falls within Flood Zones 2 and 3 where risks of flooding are higher. The Council's Drainage Engineer has informally advised that the Environment Agency has not identified the site as being within a Critical Drainage Area (CDA). Planning records date back to approximately 1959 when permission was granted for replacement of wooden kennels with concrete staff accommodation, permission was subsequently granted for replacement kennels, trimming parlour and kitchen and latterly permission was granted for an animal hospital in 1971.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

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

#### **National Planning Policy Framework** Planning Practice Guidance

#### **Horsham District Planning Framework (HDPF 2015)**

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 7 - Strategic Policy: Economic Growth

Policy 9 - Employment Development  
 Policy 10 - Rural Economic Development  
 Policy 24 - Strategic Policy: Environmental Protection  
 Policy 25 - Strategic Policy: The Natural Environment and Landscape Character  
 Policy 26 - Strategic Policy: Countryside Protection  
 Policy 31 - Green Infrastructure and Biodiversity  
 Policy 32 - Strategic Policy: The Quality of New Development  
 Policy 33 - Development Principles  
 Policy 34 - Cultural and Heritage Assets  
 Policy 35 - Strategic Policy: Climate Change  
 Policy 36 - Strategic Policy: Appropriate Energy Use  
 Policy 37 - Sustainable Construction  
 Policy 38 - Strategic Policy: Flooding  
 Policy 39 - Strategic Policy: Infrastructure Provision  
 Policy 40 - Sustainable Transport  
 Policy 41 - Parking

Supplementary Planning Guidance:  
 CIL Charging Schedule 2017

## 2.2 RELEVANT NEIGHBOURHOOD PLAN

The **Henfield Neighbourhood Development Plan (2019-2031)** has been through examination and the Examiner published his report of the 11 May 2020. The HDC Final Decision Statement was published on the 22 June 2020. Whilst the neighbourhood plan is not yet 'made', as a post-examination Plan it carries significant weight in decision making. Relevant policies are as follows:

Policy 1: A Spatial Plan for the Parish  
 Policy 3.1: Employment Development Site Allocations  
 Policy 3.2: Development of New and Existing Employment Uses  
 Policy 4: Transport, Access and Car Parking  
 Policy 10: Green Infrastructure and Biodiversity  
 Policy 12: Design Standards for Development

Due to the Covid-19 pandemic, the Government has advised that the referendum required under the Localism Act in order for the Plan to be formally "made" (which requires that more than 50% of people voting agree to accept the plan) cannot be held before May 2021.

### PLANNING HISTORY AND RELEVANT APPLICATIONS

HF/15/82	4 kennels and new dwelling. Comment: Outline. (From old Planning History)	Application Refused on 14.08.1982
HF/16/71	Erection of veterinary surgery and staff accommodation. (From old Planning History)	Application Refused on 19.03.1971
HF/17/64	Site for caravan. (From old Planning History)	Application Permitted on 08.04.1964
HF/2/61	Rebuilding of existing kennels, erection of 4 additional kennels. (From old Planning History)	Application Permitted on 08.02.1961
HF/27/71	Erection of veterinary surgery. (From old Planning History)	Application Refused on 21.05.1971
HF/38/73	Erection of single storey construction. (From old Planning History)	Application Refused on 01.06.1973

HF/50/59	Replacement of wooden kennels with concrete staff accommodation. (From old Planning History)	Application Permitted on 02.12.1959
HF/61/71	Erection of new building for hospitalisation of sick animals. (From old Planning History)	Application Permitted on 12.11.1971

### 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](http://www.horsham.gov.uk)

#### INTERNAL CONSULTATIONS

- 3.2 **HDC Landscape Architect:** No Objection subject to condition

- 3.3 **HDC Environmental Health:** Comment

The noise assessment indicates the daytime noise levels from site will be close to the measured daytime background. However the character of the noise from the site will be significantly different and will be readily discernible. If the application is to be approved, significant controls will be required on activities at the site:

- Hours of operation restricted to 06:00-20:00 hours only Monday to Friday, 08:00-1300 on Saturdays and at no times on Sundays and bank holidays
- No activities other than arrival or departure of vehicles associated with the B2 use shall take place between 06:00-0700 and between 18:00-20:00
- No use of hand tools, power tools, welding and shot blasting to take place in the open air
- Vehicle fabrication, repair, servicing or refurbishment to take place only between 08:00-18:00 hours Monday to Friday, 08:00-1300 on Saturdays and at no times on Sundays and bank holidays
- Doors to all units to be kept closed except for when access for people and vehicles is required
- Vehicle reversing alarms not to be used unless they are broadband
- No externally located plant to be installed or operated without noise assessment approved by LPA.
- No delivery or dispatch from before 08:00 or after 18:00.

Some of these restrictions could be obviated if an imperforate boundary treatment was used e.g. replacement of palisade fencing with acoustic barrier fencing such as Jakacoustic or similar. Given the size of the vehicles using the site this would need to be 2.4 m-3m high to be effective. There may well be landscape issues with such an installation.

- 3.4 **HDC Economic Development:** No Objection

#### OUTSIDE AGENCIES

- 3.5 **WSCC Highways:** Comment  
(Summary) From the point of view of the CHA, significant officer time has been put into consideration of the highways components contained in the scheme – particularly highways access, sight lines and associated works and delivery thereof. In this respect, if the LPA, in full knowledge of the highway position made in this response about such matters, decides to grant planning permission, it must be conditional on delivery of the highway works in advance of any works starting on site. A Grampian style condition is recommended, this condition

would ensure that there could be no other development under the permission permitted unless and until such works are completed. With regard to other highways requirements relevant to any planning permission, these too should be secured by appropriately worded planning conditions to address matters relating to highway safety during construction, vehicle and cycle parking; access, and sustainable transport as recommended.

3.6 **WSCC Minerals & Waste Planning Authority (MWPA):** No Objection

3.7 **WSCC Lead Local Flood Authority:** No Objection

3.8 **Ecology Consultant:** No Objection subject to condition

3.9 **Southern Water:** No Objection

3.10 **South Downs National Park:** Comment

The development site is located outside the National Park approximately 500m north of the National Park boundary, between Small Dole and Woodmancote. The development is not likely to be visible from publicly accessible areas within the National Park. The SDNPA makes no comment on the principle of development, however would recommend that consideration be given to dark night skies.

Any lighting should also take into account the biodiversity sensitivities of the site and not disturb or harm wildlife.

3.11 **Henfield Parish Council:** No Objection

#### PUBLIC CONSULTATIONS

3.12 There is 1 letter of comment and 18 letters of Support received (four from the same two households)

#### Comments:

Generally supportive of the application however concerns regarding the following:

- Proximity of new entrance to the existing entrance at the Old Brickworks and safety concerns
- Visibility Splays
- Traffic movements and deliveries by third parties and comparison between existing and proposed uses which ceased 5 years ago
- Location of bus stop adjacent to field entrance owned by neighbouring business (SweepTech) and concerns regarding safety of ingress and egress to the field
- Surface water drainage arrangements
- Site identified as employment site in the draft Henfield Neighbourhood Plan along with Southgrounds and Land to the north of the Old Brickworks. The Neighbourhood Plan states that the three sites would benefit from working together to create a joint access; the current application does not do this and created a potential hazard for the existing accesses which serve the other sites and as such does not allow for comprehensive planning of these allocated sites.

Support has been given for the following reasons:

- Provides start-up units and opportunities for small business
- Redevelopment of brownfield site and relocation and expansion of existing business
- Opportunities for local employment
- Would support the local economy
- Location appropriate for type of commercial development

- Support application in general but traffic speed limit should be reviewed to 40mph
- In accordance with Neighbourhood Plan
- Up to date efficiency standards in support of CO2 output and FW usage with waste water recycling and noise abatement systems.
- Henfield is a growing community and needs a growing industrial community

#### **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**

##### Background

- 6.1 The agent has advised that Southdown Engineers was established in 1991 and has been based at Firsland Industrial Estate in Woodmancote since 1992 (27 years). The company has been actively looking for a new site for over 10 years as the business has outgrown its current site and expansion plans are being restricted by site constraints. In addition to this, it will be illegal to continue to rent commercial buildings that do not comply with EPC rating of 'E' or better from 1 April 2023. The majority of the building stock rented by Southdown Engineers at Firsland Industrial Estate (being a reinforced concrete and asbestos clad shed and a re-purposed wooden/asbestos chicken/mushroom shack) are nowhere near a standard that could achieve EPC rating E and no longer fit for modern day purposes. The applicant is therefore eager to find alternative accommodation in order to re-locate and expand the existing company, which currently employs 18 full time staff, the majority of whom live within the district within an average distance of 5 miles. Details of alternative sites the applicant has previously considered since 2011 have been put forward along with the reasons for discounting them, including distance to travel for employees, rural locations and road network suitability, financial cost and size of site, and availability. It is advised that the applicants are looking to expand both the company and the workforce on a new site and that all jobs created will be permanent positions which will prove attractive to local people.
- 6.2 Senlac Kennels and Animal Hospital came on the market in 2018 and the Applicant bought the site as it meets the needs of Southdown Engineers in terms of good access onto an 'A' road, room for the company to expand and invest, future security for the business through owning the site, it had some commercial / employment uses already on site and is adjacent to other commercial and industrial uses. In order to make the proposals financially viable for the applicant, the scheme includes B1 and B8 start up units for lease or sale. The Applicant appointed Stiles Harold Williams to carry out an Employment Market and Needs Assessment for the southern part of Horsham District and this was carried out in January 2020. The report concluded that *'there is currently little or no available stock to allow companies to relocate to the area let alone for existing companies to expand and there are no new developments in Henfield to accommodate this demand'*.

##### Principle

- 6.3 Paragraph 80 of the NPPF states that Planning Policies and Decisions should help to create conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity. Policy 7 of the HDPF seeks

to achieve sustainable employment development in the Horsham District including the redevelopment, regeneration, intensification and smart growth of existing employment sites.

- 6.4 The site is located in the countryside outside a defined Built up Area Boundary (BUAB) and is not allocated for development within the HDPF or a 'Made' Neighbourhood Development Plan. Furthermore, the proposed development of the site for B1, B2 and B8 uses would not contribute to the diverse and sustainable farming enterprises within the district or, in the case of other countryside-based enterprises and activities, contribute to the wider rural economy and/or promote recreation in, and the enjoyment of, the countryside, contrary to HDPF Policy 10 Rural Economic Development. It would also not be contained within the confines of, or involve the smart growth of, an existing estate as otherwise permitted under Policy 7, and is not essential to its countryside location contrary to HDPF Policy 26 Countryside Protection.
- 6.5 Development in this location at this time therefore conflicts with the sustainable development principles set out in Policies 1, 2, 4, 7, 10 and 26 of the HDPF therefore the grant of planning permission on this site would represent a departure from the development plan.
- 6.6 The NPPF states in paragraph 12 that 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. However 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.
- 6.7 In this instance there are significant material considerations that justify the grant of planning permission. The principal material consideration is the allocation of the site for employment development within the Draft Henfield Neighbourhood Plan ((HNP). The Draft HNP has reached Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 and the Examiners Report, the Decision Statement, and the Neighbourhood Development Plan have all been published. The Examiner has recommended that the HNP proceeds to Referendum stage, therefore given this position the draft HNP and the policy allocation of this site is considered to be of significant weight. The final Referendum Stage has however been delayed to May 2021 as a result of the current restrictions surrounding Covid 19.
- 6.8 Policy 3.1 of the Draft Henfield Neighbourhood Plan (Employment Development Site Allocations) allocates three adjoining sites for employment development, Sites E – Southgrounds, Shoreham Road; F – Land north of The Old Brickworks; and G – The Old Kennels, Project Enterprise. This application site forms Sites G only, with Sites E and F remaining undeveloped to the north for now.
- 6.9 The supporting text states that Sites E, F and G would complete a new business area around Henfield Business Park. This would allow this area to become a key sustainable employment site in accordance with HDC policy. Business sites E, F and G would benefit from working together to create a joint access which would be desirable for these sites. The Plan would support the comprehensive development of the three sites which could bring business efficiencies, reduce development costs and assist in providing comprehensive boundary and landscape treatments. In this scenario the criteria that apply to each of the three sites would also apply to the comprehensive development of the three sites.
- 6.10 The issue of a joint access has been raised with the applicants. The agent has advised that the Applicant has made contact with Sweeptech Environmental Services Ltd via email, to establish whether the adjoining land owner would be interested in sharing the access and that these discussions are ongoing as Sweeptech's plans are still in the early stages. The agent has advised that the Applicant's own timescales to vacate his current premises means they will pursue the current proposals in order to meet this deadline. It has been confirmed however that the Applicant is happy for the proposed access to potentially become a joint access, if and when required subject to separate planning consents.

- 6.11 Policy 3.1.5 provides the detailed policy requirements for this application site, and requires that the proposal meets all of the following criteria:
- a. The design of the proposal has regard to its countryside location in respect of building scale.
  - b. The design for the proposal demonstrates an understanding of the landscape character which contributes to the character of this part of the neighbourhood area and these inform the design and layout of the site.
  - c. The proposal has regard for visibility from the surrounding countryside and provides for appropriate boundary treatments incorporating landscaping in particular provides screening on the western side.
  - d. The proposal maintains and enhances as much as is practicable of the site's rural character, retaining existing field boundaries and tree belts where appropriate and enhancing with native species
  - e. The proposal makes provision for suitable access and appropriate associated infrastructure works to the A2037.
  - f. The proposal has regard to the amenities of nearby residential properties.
  - g. The proposal includes an adequate number and positions of electric vehicle charging points to enable businesses to choose to use electric vehicles.
  - h. Any external lighting is designed to minimise light pollution and supports the dark skies policy of the South Downs National Park Authority.

The compliance of the proposal with these criteria is discussed separately below.

- 6.12 In addition to the draft policy allocation, it is recognised that the site is, in part, a brownfield site which although no longer operative has previously been in use as a 'business enterprise' arising from D2 and Sui Generis activities. This historic use of the site for employment purposes, albeit on a much smaller scale to the current proposal, is a material consideration in favour of development.
- 6.13 It is acknowledged that the current proposals would result in a significantly more intensive use of the land and degree of built form than the previous use resulting in a more consequential and appreciable impact on the character of the countryside when compared to the previous business use on site. However, the site's location adjacent to the existing Henfield Business Park and close to the Former Brick Works site which has permission for B8 storage, along with it being identified within the Draft Henfield Neighbourhood Plan which is close to being 'Made' must be balanced against this.
- 6.14 Furthermore, it is noted that there has been a high level of local support for the application proposals, including from the Parish Council, as demonstrated by the number of letters received during the consultation period. The proposal would also retain a local business in the area as well as providing opportunities for smaller start-up businesses within the second building.
- 6.15 On this basis, whilst the proposed development is considered to be a departure from established policies within the HDPF, it is considered that the significant weight should be afforded to the Draft Henfield Neighbourhood Plan given its advanced stage and the site's inclusion as an identified Allocated Employment Development Site. The weight to be attributed to this draft allocation, in addition to the further material considerations set out above, is such that officers recommend that the principle of development be accepted, subject to all other considerations as set out below.

#### Design and Appearance

- 6.16 Pre-application advice was sought from the Council prior to the submission of the application and as a result of that the applicants have amended their design and the site layout on submission of the current proposals to reduce the visibility of the built form on the site within the context of the surroundings. Building 1 (B1, B2 and B8 use) has been moved away from the northern boundary of the site and now sits centrally within the site boundaries to the rear

of Building 2 (B1 and B8 use), this unit is located parallel to but set back from the public highway. There is an access route into the site off of the A2037, internal access routes run through the site to the rear of both buildings; parking for both cars and lorries is located along the southern boundary of the site and to the front of the start-up units in Building 2. Outside storage areas are located adjacent to Building 1 (B1 and B8 use) that are well screened by existing and additional landscaping. Dimensions of the building are as set out in the description of development (paragraphs 1.3 -1.10), as are details relating to the proposed materials, solar panel details; and external lighting details for the 27 no. 6m high LED lighting columns.

- 6.17 The design and use of materials including timber frame upper elevations, brick plinth, and Scottish Larch vertical boarding with powder coated roller doors and composite roof panels would provide a softer aesthetic appearance than that of more modern aluminium sheet clad structures within the rural character of the site's peripheral location. The scale of the development as a whole (arising from the three dimensional mass, taking into account the proposed height, depth and footprint) would however intrinsically change the character of this site to an extent that its appearance would result in significant visual change to the visual amenities of the wider site and countryside location. Notwithstanding this, the units, at a maximum ridge height of 7m, have been designed to include shallow pitched roofs which would help to reduce their visual prominence. The use of timber cladding on the external walls would also help to soften the stark elevations.
- 6.18 Overall, the proposed scheme is considered to be of a high quality design and appropriate in terms of both scale and mass that sits comfortably within its site. The buildings are not considered to be overly prominent features in the landscape. In this respect, the development proposals is considered to accord with Policies 32 and 33 of the HDPF, and Policy 12 of the Draft Henfield Neighbourhood Plan.

#### Landscape and Trees

- 6.19 The area sits within the landscape character area D2 Henfield and Small Dole Farmlands of the Horsham District Landscape Character Assessment. Key characteristics include small to large size regular and irregular fields with a variable hedgerow pattern. Landscape condition overall is declining, particularly through loss of hedgerows in many parts, and urban intrusion along the A2037. Overall sensitivity to change is considered high and key sensitivities include industrial development that would alter the mostly rural character of the area. However in this instance, the site's immediate context is already one of industrial influence and the site itself previously used as a business, albeit at a much smaller scale than what's being proposed. Planning and land management guidelines include to conserve and manage existing hedgerows, especially where they surround small scale irregular field patterns, and restore hedgerow, hedgerow tree planting and plant small woodlands on farmland north of Tottington and Edburton.
- 6.20 The Council's Landscape Officer has been consulted and as a result of comments made the Armco Barrier from the southern boundary of the site has been removed. One of the main concerns raised relates to the site access, which owing to the amount of hedgerow removal to meet the required visibility splays, will expose the site to view considerably and add to the urban intrusion along the A2037. However, new planting is being proposed which in time will soften the appearance of the development, albeit it will not be able to fully mitigate the removal of a well-established landscape feature and opening of the site to view.
- 6.21 A list of proposed trees is provided within the plan, but a planting schedule that includes numbers, sizes, spacing's (for hedgerow planting), etc. is also required. Additional oak trees are required to be planted along the southern boundary in the gap between existing. The applicants have confirmed that additional trees will be provided in accordance with the Landscape Officers comments (one at the end of the parking spaces near the A2037 to reinforce the planting along the western boundary and two additional oak trees along the

southern boundary) and that a planting schedule which includes numbers, sizes and spacing's will be provided. A timber knee rail has also been recommended by the Landscape Officer in place of the proposed Armco barrier and the landscape plan has been amended to show a timber barrier to reflect this. This will be secured through the imposition of a landscaping condition to include boundary treatment requiring additional information to be submitted should planning permission be granted.

- 6.22 Subject to these detailed matters the proposals are supported in principle and are considered broadly in accordance with Policy 25 of the HDPF and Policy 10 of the Draft Henfield Neighbourhood Plan.

Impact on neighbouring amenity

- 6.23 The nearest residential dwellings to the site are noted as being Paddock Wood (181.5m) located south east of the site, and New Barn Bungalow (263m) located north east of the site. There are also a number of dwellings located to the west of the site the nearest being Tower and Aranjay (181m to 248m respectively). Although these are some distance away, given the nature of the proposed use of the site which includes some B2 use, it is considered likely that occupants may experience noise impacts from the proposed development given the B2 uses proposed. It is noted that the site sits immediately opposite Henfield Business Park to the east and the Sweeptech and Edburton Contractors (Civil Engineering) commercial sites to the south therefore noises from industrial/commercial activity are already prevalent and familiar in the area.
- 6.24 A noise assessment has been submitted with the application which calculates the baseline noise levels experienced at the site and the actual noise levels from Southdown Engineers' current site. The assessment concludes that the noise impact of the development, operating at the hours set out at paragraph 1.10 above, would have an acceptable impact on the amenities of the nearby properties subject to mitigation that requires a suitable building fabric and service doors to remain shut except for access.
- 6.25 The Councils Environmental Health Department have been consulted and note that the daytime noise levels from the site will be similar to the existing background noise levels, albeit noting that the character of any noise events would be different and potentially readily discernible. The Environmental Health officer has requested that building 2 be re-located to better act as a noise barrier however this has not been forthcoming. Notwithstanding this, the Environmental Health officer has recommended conditions that align with the submission and applicant's noise assessment and these are attached to this recommendation. These include restricting hours of operation and outside activities.
- 6.26 Subject to these conditions the development would not result in harm to the amenities of adjacent occupiers, in accordance with policies 32 and 33 of the HDPF.

## Highways

- 6.27 The application proposes to close the existing site access and open a new access further to the south. Alongside this, an extension to the existing right-hand turning lane that serves Henfield Business Park is proposed, as are short sections of footway providing pedestrian access to the two bus stops found both north of the site and opposite it. A pedestrian refuge is also proposed on Shoreham Road north of the Henfield Business Park access, as are associated refuge areas (widened sections of hardstanding) for both bus stops.
- 6.28 WSCC Highways have been consulted and have advised following a site inspection that the proposed access dimensions, right-hand turning lane and central refuge can operate appropriately and therefore can be supported. This is following WSCC Highways officers agreeing appropriate departures from standard with the applicant on the extension of the right-hand lane and the installation of the refuge, and the submission of a Stage 1 Road Safety Audit. Furthermore, no concerns have been raised over the trip generation of the proposal having an adverse impact on the operation or safety of the public highway, with the applicant's transport assessment calculating 149 trips per-day with 19 in both the AM and PM peak respectively, a daily increase of 43 trips compared to the existing uses.
- 6.29 In respect of parking, a total of 39 car parking spaces are required to meet WSCC Highways Parking Standards, (this includes 18 spaces for the proposed B1 (Business) use, 13 spaces for the proposed B2 (General Industrial) use and 8 spaces for the proposed B8 (Storage) use. It is noted that 50 spaces are proposed which is 11 spaces over-provision. With regard to lorry parking, it is also noted that the applicant is seeking to provide a total of 16 lorry spaces comprising 10 spaces for the applicant's existing lorries plus 2 additional spaces to cater for potential future growth, and a further 4 lorry spaces to be provided for the eastern unit.
- 6.30 Electric vehicle (EV) parking is also proposed totalling 10 spaces which is less than the 14 spaces (28%) as required to accord with WSCC Parking Guidance. Appropriate EV parking for 14 spaces can be secured through the imposition of an appropriate condition. Additionally 12 secure and covered cycle spaces are proposed (found to south of Building 2). *Travel Plan* - a Travel Plan Statement is also provided to promote and encourage sustainable travel for occupiers. A travel plan is required for the development and an appropriate condition has been imposed to secure the details. No concerns are raised with the level and quality of on-site parking being proposed.
- 6.31 The principal matter of concern has been whether it is possible to achieve the necessary visibility splays to the new access given that small parts of the southern splay passes over two areas of third party land, one of which is unregistered land of unknown ownership that falls outside of the accepted public highway. These are shown as green and yellow wedge on the applicant's plans. Appropriate notices of the Application have been served and displayed in relation to this land but have elicited nothing by way of response.
- 6.32 The applicant, WSCC Highways officers and HDC planning officers have been in detailed discussion to resolve this matter. WSCC officers have confirmed that they cannot use their powers under Section 228 of the Highways Act 1980 to adopt the unregistered land as it does not form part of a private street.
- 6.33 WSCC Highways officers and the applicant have agreed that in the event ownership cannot be proved, then as part of any submission for highway works an appropriate Defective Title Indemnity Policy would have to be provided, indemnifying the County Council from third party claims in the event that someone does claim rights in the future. The Applicant has confirmed and shown sight of a secured Indemnity Policy in accordance with the advice given by WSCC Highways department in order to satisfy this requirement.

- 6.34 In respect of the second small area of third party land, this falls under the ownership of the Sweeptech Environmental Services Ltd site adjacent and currently appears to be largely laid to grass. Whilst the applicant and Sweeptech have been in discussions, they have yet to reach agreement on this land to enable it to form part of the visibility splay. This will ultimately be dealt with through Section 38 element of any eventual Highway Agreement (the works within the existing highway being covered by the Section 278 element of the Agreement) however the onus is upon the developer to obtain the landowner's agreement to dedicate or transfer the land accordingly.
- 6.35 The visibility splays shown on the plans represents the absolute minimum dimensions based on speed survey data and design advice therefore it is paramount that the splays are properly provided and maintained as such. In this case, the applicant, WSCC Highways officers and your Officers have agreed that a 'Grampian Condition' could be used to ensure that the highway works are secured prior to the development commencing. If such a condition were to be imposed, there could be no other development under the permission permitted unless and until such works were completed.
- 6.36 Government guidance on the use of conditions on land not under the control of the applicant suggests that a "Grampian condition may be used i.e. prohibiting development authorized by the planning permission or other aspects linked to the planning permission (e.g. occupation of premises or commencement of development) until a specified action has been taken (such as the provision of supporting infrastructure). Such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission." In this instance all parties agree that there is suitable prospect of the third party land being resolved to allow development to take place therefore an appropriate Grampian condition (condition 4) is included in the recommendation below.
- 6.37 On this basis the application is considered compliant with Policies 40 and 41 of the HDPF and Policy 4 of the Draft Henfield Neighbourhood Plan.

Ecology:

- 6.38 The Councils Ecology Consultants have been consulted and they have advised that having reviewed the Preliminary Ecological Appraisal (CT Ecology, June 2019), the Reptile and Bat Survey Report (CT Ecology, August 2019) and the Bat Roost Characterisation Survey Report (CT Ecology, September 2019) as well as the lighting documents (MCA, 2019), they consider the ecological information to be sufficient to assess impacts on protected and Priority species and habitats. This provides certainty of likely impacts on protected and Priority species and habitats, with appropriate mitigation measures secured through the imposition of appropriate conditions, the development can be made acceptable. It is advised that reasonable biodiversity enhancements should also be secured by a condition on any consent to deliver measurable net gain.
- 6.39 In terms of biodiversity net gain, the enhancements including the following measures proposed will contribute to this aim.
- Biodiverse Planting: new tree and hedgerow planting to the eastern boundary of the site
  - Bird Boxes: Additional bird nesting provision could be incorporated into new design proposals. These could be external bird boxes installed on mature boundary trees.
  - Bat Boxes: Bat roosting opportunities could be provided through the incorporation of bat boxes into the new buildings or on suitable mature boundary trees around the site.
  - Post Development Lighting: Subject to the imposition of conditions to secure the above, there are no objections raised.
  - It is recommended that an update habitat survey is undertaken if more than 12 months have elapsed between the survey and the point at which any development decisions have been made at the site.

In this respect, the development proposals is considered to accord with Policy 31 of the HDPF.

#### Climate Change:

- 6.40 Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change. The proposed development includes the following measures to build resilience to climate change and reduce carbon emissions:
- Dedicated refuse and recycling storage capacity
  - Cycle storage
  - Biodiversity mitigation and opportunities for biodiversity gain
  - At least 20% of the most effective roof areas to be equipped with PV solar panels
  - 28% of car parking spaces to be equipped with charging points for EV's
  - Captured roof run off water ('Grey' water) to be employed for W.C flushing functions across the site.
  - Surface water attenuation to be employed to return as much groundwater into the hydrological cycle as is practical
  - Real time environmental monitoring reducing waste through intelligent environmental controls
  - Suppliers and contractors as well as going through standard commercial tendering processes will have their merits judged have following criteria -
    - i) Evidence that their plant, machinery and processes meet or exceed the latest environmental standards
    - ii) Evidence that their staff well trained, well-motivated and it can demonstrated that they employ sustainable methodology whilst carrying out their duties.
    - iii) Consideration will be given to the potential carbon footprint for attending staff and material/equipment deliveries
- 6.41 In addition to these measures conditions are attached to secure the following:
- Water consumption limited to 110litres per person per day
  - Requirement to provide full fibre broadband site connectivity
  - Refuse and recycling storage
  - Biodiversity mitigation and enhancement
  - Cycle parking facilities
  - 14 Electric vehicle charging points
  - Travel plan

- 6.42 Subject to these conditions the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

#### Air Quality

- 6.43 The site lies outside of any identified Air Quality Management Areas, and as part of the EIA screening opinion it was concluded that there are no areas of the site where quality standards such as AQMA's have been exceeded and that there are no significant and or residual environmental impact anticipated as a result of the proposed development.

#### Contamination

- 6.44 A Ground Contamination Risk Assessment Report (Ashdown Site Investigation Ltd REF R13829) dated the 8<sup>th</sup> November 2019 was submitted with the application details (to read in conjunction with the Preliminary Ground Contamination Risk Assessment Report previously

prepared for the site by Ashdown Site Investigation Ltd dated 31<sup>st</sup> July 2019). An appropriate condition has been imposed in respect of any unexpected contamination found during construction phase.

#### Drainage

- 6.45 A Flood Risk Assessment has been prepared by GTA Civils and Transport dated August 2019 and has been submitted with the application. It is advised that the surface water drainage will be dealt with by cellular attenuation tanks placed under the ground which will release controlled flows to the existing drain in the south west corner of the site. Grey water harvesting tanks (one for each of the two buildings) will remove water as close to source as possible. The water will be used primarily for WC flushing and reduce the demand for potable water. Foul drainage will be dealt with by an onsite sewage treatment plant, indicative details have been provided which show a Clearwater sewage treatment system which uses an aerobic biological process for the treatment of sewerage produced by the site. A condition has been imposed to secure this as part of a satisfactory foul and surface water drainage scheme.

#### Conclusions and Planning Balance

- 6.46 The proposed development falls within the countryside on a site not allocated within the HDPF or in a 'made' Neighbourhood Plan, and does not constitute employment development compliant with policies 7 and 10 of the HDPF. Notwithstanding this conflict with the established development plan for the district, the site is allocated for employment development within the draft Henfield Neighbourhood Plan which has passed successfully through examination. This allocation carries significant weight in the determination of this application. The proposal would also enable an existing employer in the area to relocate to new premises, and would include new employment floorspace suitable for use by smaller start-up businesses. This carries further weight in favour of development.
- 6.47 Subject to conditions the proposal in all other respects accords with the requirements of Policy 3.1.5 of the draft Henfield Neighbourhood Plan and all other relevant policies of the HDPF. Whilst there have been issues in establishing whether a complaint visibility splay can be provided for the new site access, it is agreed between parties that this can be suitably controlled by way of a Grampian condition that will restrict development commencing until the necessary splays are provided. On this basis the proposal is recommended for approval as a departure from the development plan.

#### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1<sup>st</sup> October 2017.

**It is considered that this development constitutes CIL liable development.** At the time of drafting this report the proposal involves the following:

All Other Development	1830	1830
	<b>Total Gain</b>	<b>1416.44</b>
	<b>Total Demolition</b>	<b>413.56</b>

Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

## 7. RECOMMENDATIONS

7.1 To approve Planning Permission subject to the following conditions:

### Conditions:

1. PLANS LIST

2. **Regulatory (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:** The development hereby approved shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following relevant measures:

- i. Detailed site logistics arrangements, including location of site compounds, location for the loading and unloading of plant and materials, site offices (including height and scale), and storage of plant and materials (including any stripped topsoil)
- ii. Details regarding parking or site operatives and visitors, deliveries, and storage;
- iii. The method of access to and from the construction site
- iv. Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination
- v. Locations and details for the provision of wheel washing facilities and dust suppression facilities

The construction shall thereafter be carried out in accordance with the details and measures approved in the CEMP.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers and highway safety during construction and in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

4. **Pre-Commencement Condition:** No development shall commence until such time as the vehicular access including visibility splays of 2.4 metres by 125m (leading traffic direction – looking south from the access) and 130m (trailing traffic direction – looking north from the access) and all other associated highways works serving the development have been constructed in accordance with the details shown on the drawing titled 'Proposed Right Turn Lane' and numbered 10457/101 Revision N. Once provided, the visibility 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 in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015).

5. **Pre-Commencement Condition:** No development shall commence pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until the following preliminaries have been completed in the sequence set out below:

- All trees on the site shown for retention on approved drawing (un-numbered) within the Arboricultural Impact Assessment (Brindle and Green dated 17 January 2019 report ref: BG18.200), as well as those off-site whose root protection areas ingress into the site, shall be fully protected throughout all construction works by tree protective

fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012).

- Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site.
- Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.

Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees and hedgerows on the site 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 has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

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 the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

- (a) A preliminary risk assessment which has identified:
- all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - Potentially unacceptable risks arising from contamination at the site.

The following aspects (b) – (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

(b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.

(c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal.

(d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

The development shall thereafter be carried out in accordance with the approved details. Any changes to these components require the consent of the local planning authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

- 8 **Pre-commencement Condition:** The following works to demolish Building 7 shall not in in any circumstances commence unless the Local Planning Authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 authorizing the specified activity/development to go ahead; or

- b) a method statement supplied by an individual registered to use a Low Impact Class Licence for Bats; or
- c) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve Protected and Priority species and allow the LPA to discharge its duties under The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

- 9 **Pre Commencement Condition:** No development shall commence until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of “biodiversity protection zones”.
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority”

Reason: To conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 10 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

11. **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal (CT Ecology, June 2019), the Reptile and Bat Survey Report (CT Ecology, August 2019) and the Bat Roost Characterisation Survey Report (CT Ecology, September 2019), has been submitted to and approved in writing by the local planning authority.  
The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.”

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

12. **Pre-Occupation Condition:** Prior to the first occupation of any building within the development hereby permitted, provision for 14 charging of electric vehicles by way of fast charging points shall have been installed in accordance with details that have been submitted to and been approved in writing by the Local Planning Authority. The details shall have regard to the Council's latest Air Quality & Emissions Reduction Guidance document and shall include a plan of all charging points, their specification and means for their long term maintenance. The means for charging electric vehicles shall be retained as such thereafter.

Reason: To mitigate the impact of the development on air quality within the District and to sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015).

13. **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:
- Details of all existing trees and planting to be retained
  - Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
  - Details of all hard surfacing materials and finishes
  - Details of the management of the landscaping within the site
  - Boundary treatment (including a timber 'armor' knee rail to the southern boundary)

The approved landscaping 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. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes 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.

The approved 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.

Reason: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and to protect neighbouring amenity in accordance with Policies 31 and 33 of the HDPF.

14. **Pre-Occupation Condition:** Prior to the first occupation of the development, the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabytes per second through full fibre broadband connection shall be provided to each premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policies 10 and 37 of the Horsham District Planning Framework (2015).

15. **Pre-Occupation Condition:** No part of the development shall be occupied until such time as the existing vehicular access onto Shoreham Road has been physically closed to vehicular traffic 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 in accordance with Policy 40 of the Horsham District Planning Framework (2015).

13. **Pre-Occupation Condition:** No part of the development shall be occupied until the road(s), footways, parking and turning areas serving the development have been constructed, surfaced, and drained in accordance with the approved details as shown on plan 19039 2.01 rev M and shall be 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).

- 16 **Pre-Occupation Condition:** No building hereby permitted shall be occupied or use hereby permitted commenced until the cycle parking facilities serving it have been constructed and made available for use in accordance with approved drawing number 19039 2.01 rev M. The cycle parking facilities shall thereafter be retained as such for their designated use.

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).

- 18 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 19 **Pre-Occupation Condition:** No building hereby permitted shall be first occupied (or use hereby permitted commenced) unless and until provision for the storage of refuse and recycling has been made for that building (or use) in accordance with the Site Waste Management Plan (un-numbered) submitted with the application details dated 21<sup>st</sup> August 2019. These facilities shall thereafter be 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).

- 20 **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (CT Ecology, June 2019), the Reptile and Bat Survey Report (CT Ecology, August 2019) and the Bat Roost Characterisation Survey Report (CT Ecology, September 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. 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. No other external lighting shall be installed without prior consent from the local planning authority. 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 and enhance Protected and Priority species and allow the LPA to discharge its duties under The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, the Wildlife & Countryside Act 1981 as amended, s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham District Planning Framework.

- 21 **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays
- Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).
- 22 **Regulatory Condition:** The premises shall not be open for trade or business except between the hours of 07:00 hours to 18.00 hours Mondays to Fridays and 08:00 hours to 13:00 hours 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).
- 23 **Regulatory Condition:** No activities other than arrival or departure of vehicles associated with the B2 use shall take place between 06:00-0700 and between 18:00-20:00 Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays
- Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).
- 24 **Regulatory Condition:** Doors to all units to be kept closed except for when access for people and vehicles is required and vehicle reversing alarms not to be used unless they are broadband (beep or white noise sound).
- Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).
- 25 **Regulatory Condition:** No externally located plant to be installed or operated other than with the permission of the Local Planning Authority by way of formal application.
- Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).
- 26 **Regulatory Condition:** No industrial activities other than loading or unloading shall be undertaken in the open air and no externally located storage of any materials or waste is permitted except as shown on the submitted plans at any time.
- Reason: To safeguard the amenities of neighbouring properties in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).
- 27 **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), Building 1 shall only be used for uses falling within Classes B1(a), B1(c), B2 and B8 and for no other purposes, and Building 2 shall only be used for uses falling within Classes B1(a), 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).

28 **Regulatory Condition:** If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved by the local planning authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/20/0049