



PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 7th September 2021

DEVELOPMENT: Removal of Condition 15 to previously approved application DC/19/1738 (Variation of condition 1 to previously approved DC/17/1023 (Proposed erection of 8 No. business units (B1/B8) arranged in 2 groups with associated hardstanding and parking.) Amendment sought: increase ground floor area and add mezzanines to units 22, 23, 24 and 25. Extend Mezzanines to units 26, 27, 28, and 29. Reconfigure parking to accommodate all spaces within the site service yard) Relating to opening hours/days for the approved business units.

SITE: Phase 4 (Units 22 -29) Oakhurst Business Park Wilberforce Way
Southwater Horsham West Sussex RH13 9RT

WARD: Southwater North

APPLICATION: DC/21/0625

APPLICANT: **Name:** Horsham District Council **Address:** C/o Agent 2 Port Hall Road
Brighton BN1 5PD

REASON FOR INCLUSION ON THE AGENDA: More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

Horsham District Council is the applicant

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 This application seeks solely to amend the hours of operation permitted at this site (currently one unit is occupied, the rest are built and unoccupied) secured under Condition 15 of planning permission DC/17/1023 (Proposed erection of 8 No. business units (B1/B8)- as amended by DC/19/1738)

1.3 Condition 15 currently reads:

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).

1.4 The application as originally submitted sought the complete removal of Condition 15 to allow for unrestricted 24 hour operation at the site.

1.5 Following discussion with officers, the application now seeks the variation of Condition 15 to permit the following:

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 21:00 Mondays to Fridays; 07:00 to 18:00 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).

1.6 The application is supported by an updated Noise Assessment. No amendments are sought to any other plans or conditions previously imposed in respect of DC/17/1023 or DC/19/1738.

DESCRIPTION OF THE SITE

1.7 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. The site is located 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 existing business park is a well-established site comprising several large business units, including the RSPCA headquarters, Macfarlane packaging and Blueleaf (clinical supplies) and several other smaller units.

1.8 The application site and its immediate neighbours, comprising units 1 -21, is owned by Horsham District Council and includes units for Class B1 business /B2 general industrial /B8 storage and distribution uses, arranged in large blocks around central hardstanding, parking and delivery areas.

1.9 The application site is accessed from the east off of the central commercial access road 'Wilberforce Way'. To the west of the application site is Worthing Road, which is separated by an intervening woodland buffer approximately 31m wide. The woodland buffer provides an approximate separation distance of 37m from the nearest corner of the dwelling known as 'Fields Cottage' from the south west of the closest part of the application site. Fields Cottage, Westmead, Barford, West View, Cherry and Thornhill are dwellings located along the east side of Worthing Road; along with dwellings on the north side of Roberts Way (no's 1-5 inclusive), and Deerswood, which all have rear gardens, either east or north facing, separated by a woodland buffer which extends beyond their rear gardens by approx. 112m to the east or 111m to the north respectively, in relationship to the application site.

1.10 There are a number of dwellings located within New Road to the west side of Worthing Road located approximately 51m to the north west of the application site, and those within Willowmead and Courtlands further north along Worthing Road. To the far north east are residential dwellings located within Martindales.

- 1.11 The permission for the additional 8 units granted under DC/17/1023 has been implemented although some units were still to be completed at the time of the Officer's site visit.

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

Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 37 - Sustainable Construction
Policy 40 - Sustainable Transport
Policy 41 - Parking

Site Specific Allocations of Land Development Plan Document (2007)

Policy AL17

RELEVANT NEIGHBOURHOOD PLAN

Southwater Neighbourhood Plan (June 2021)

Policy SNP 1 Core Principles
Policy SNP 4 Keeping our Roads Moving
Policy SNP 15 Driving in the 21 Century
Policy SNP 16 Design
Policy SNP 17 Site levels
Policy SNP 18 A Treed Landscape

West Sussex Joint Minerals Local Plan (2018)

Policy M9 - Safeguarding Minerals

Supplementary Planning Guidance:

Community Infrastructure Levy (CIL) Charging Schedule (2017)

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/19/1738	Variation of condition 1 to previously approved DC/17/1023 (Proposed erection of 8 No. business units (B1/B8) arranged in 2 groups with associated hardstanding and parking.) Amendment sought: increase ground floor area and add mezzanines to units 22, 23, 24 and 25. Extend Mezzanines to units	Application Permitted on 07.11.2019
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26, 27, 28, and 29. Reconfigure parking to accommodate all spaces within the site service yard.

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

INTERNAL CONSULTATIONS

- 3.2 **HDC Environmental Health:** No Objection
- 3.3 **Economic Development** – No comments received

OUTSIDE AGENCIES

- 3.4 **WSCC Highways:** No Objection
- The existing hours of opening and operating are noted under planning application DC/17/1023.
 - Any extended hours will may give rise to the site generating vehicular traffic over an extended period.
 - The number of movements would not be anticipated to be particularly significant and would not be expected to exacerbate any existing issues, nor warrant an objection on the basis of safety or capacity. Whilst the Planning Authority will no doubt wish to consider matters of amenity for local residents, no highway objection would be raised.
- 3.5 **Southern Water:** No Objection
- 3.6 **WSCC Flood Risk Management:** No Comment
- 3.7 **Southwater Parish Council:** Objection

Initial comments 11/05/2021 (based on the initial proposals for 24hr use)

- There is no valid reason for the extension of hours.
- The hours should have been applied for a part of the original application for the site.
- The agent has not demonstrated that the units cannot be let indefinitely.
- The Parish Council objects on the basis of additional noise pollution from the extended hours and the impact it would have on the neighbouring residential properties.

Further Comments: 10/08/2021 (based on the revised hours of operation):

There is no valid reason for extending the hours of operation to that originally sought, which reflected the proximity of neighbouring residential dwellings. The change to the hours of operation is based upon the agent's frustration in not finding tenants during an exceptional period of disturbance to the economy and has not demonstrated that the units cannot be let indefinitely. The Council objects on the basis of the additional noise pollution from the extended hours and the impact it would have on the neighbouring residential properties.

PUBLIC CONSULTATIONS

- 3.8 There are a total of 20 neighbour letters received - 9 letters of Objection at first consultation and 7 letters of Objection (2nd consultation) and 3 letters of Objection (3rd consultation) and 1 letter of support. (4 letters were received from the 2 of the same households).

Objections are based on the following:

Initial consultation (based on initial proposal for 24 hr operations)- 9 objections

- Proximity of residential dwellings and occupiers
- Continued growth of commercial site now becoming overdeveloped
- Light and noise pollution
- Lights left on continually through night
- Restrictive hours should be kept
- Impact on private amenities, sleep quality and enjoyment of gardens
- Excessive traffic and noise especially at night time (reversing)
- Hazard on Blakes Farm Road
- Pedestrian and highway safety
- Units currently being used beyond the agreed hours
- Refusal of similar scheme for unrestricted hours
- Previous complaints relating to other units.
- Sleep disturbance
- Noise Assessment validity

2nd Consultation (based on reduced hours of operation now proposed)- 7 objections

- Noise and Light Pollution
- Units too close to Martindales development
- Precedent if approved
- More research needed into need for new commercial units on the site
- Commercial site oversized for its location close to dwellings

3rd Consultation providing clarification of application address (unit numbers) and proposed reduced hours of operation- 3 objections

- Units too close to Martindales development
- Traffic Noise
- Unsocial hours of operation
- Impact on shift workers
- Impact on families with young babies
- Precedent if approved

1 Letter of Support

- Reasonable change of use. Little traffic generated from self-contained business moving into the area. Supporting local business

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

- 6.1 The National Planning Policy Framework 2018 and relevant Planning Practice Guidance (updated) states within the Flexible Options for Planning Permissions (March 2014), that an application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission.
- 6.2 The main issues arising from this application under section 73 of the Town and Country Planning Act is the effect of removing or varying condition 15 on the private amenity of nearby occupiers.

Principle of Development

- 6.3 The principle of the development in respect of the 8 commercial buildings for B1 and B8 uses has already been established by virtue of the planning permission granted under DC/17/1023 and DC/19/1783 which has been implemented and built out on site. The principle of the development for the erection of the commercial buildings, as previously approved, is not therefore considered as part of this application.
- 6.4 Since the grant of these planning permissions, the Southwater Neighbourhood Development Plan (2019-2031) has passed through referendum and now forms part of the development plan for the District. There are no policies within the Neighbourhood Plan that affect the principle of development on this site whilst the HDPF remains unchanged since the initial application determination. There has not therefore been a change in planning policy since the determination of the previous application that would warrant reconsideration of the principle of development as currently established.

Need for Variation of Hours of Operation

- 6.5 The applicant seeks the variation of the hours of operation to allow for further flexibility in the way that the units can be used. The supporting statement and supporting Marketing Information (Graves Jenkins), submitted with the application advises that marketing commenced in late July 2020 and that marketing details have been widely circulated to all local and regionally based commercial agents, all relevant applicants are held on their database along with marketing specific enquiries. In addition to this, it is advised that the units have been marketed on other websites such as EACH, Realla (Co Star), Zoopla and EG Property Link widely used by industrial and commercial property agents and occupiers.
- 6.6 Since commencement of the marketing strategy, it is advised that there has been a steady stream of enquiries despite the Covid pandemic, resulting in the letting of Unit 25 in December 2020. Since then no further lettings have been completed; over 30 enquiries have been processed, and there are currently 4 new and active enquires. There are currently no details of web hits available. The marketing details confirm that the type of occupiers have been mainly small local / regional businesses including from a bakery; Micro Brewery; Traffic Management; Golf Simulation; Flight Simulation; Music/Video Production Studio; Warehousing (including carpet /flooring company; heating engineer; Toys and Games; Coffee Roaster; Medical Supplies; Car Repairs / Trade; Engineering; Milk/ Provisions Delivery; Luxury Gift Supplier; Equestrian Clothing / Equipment.
- 6.7 It is advised that parties have not progressed their interest in letting the units further on the basis that the hours of operation as imposed are too restrictive; lack of office provision to units 26-29 and concern at cost of providing them and because the required use for uses falling within Use Classes B2 General Industrial Use; F1 Learning and Non Residential Institutions and other Sui Generis Uses (on a class of their own) are not consented by virtue of the original planning permission granted. It is advised that most of the enquiries are from companies requiring flexibility to operate 07:00 – 21:00hrs in the evenings on weekdays and 07:00 hrs – 18:00hrs on Saturdays, with the nature of enquiries being from small independent

businesses who do not require large vehicles or frequent vehicular movements as part of their business operations.

- 6.8 The Council's Economic Development Department have been consulted but no comments have been received as in this case, the Council own the commercial units to which this application relates and are the applicants. Notwithstanding this, it is noted that a similar application relating to the commercial units at Wilberforce Way on Oakhurst Business Park (planning ref: DC/21/0087) was recently submitted by Carbide Properties and assessed for 24 hour opening (internal use only) by the Planning Committee (North) at its meeting in June 2021, and although this application was refused, it is noted that the comments received in respect of that application from the Economic Development Department advised that the amendments to the operating hours for the site would facilitate flexibility for the businesses looking to move into the units, noting that in order to attract inward investment, the Council needs to meet the needs of businesses and investors to showcase Horsham's potential as an economic location to invest in. They advise that potential occupiers located outside the District would attract inward investment opportunities which would contribute towards local economic growth.
- 6.9 Chapter 2 of the National Planning Policy Framework (NPPF) seeks to achieve sustainable economic growth by helping to build a strong, responsive and competitive economy by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure. Furthermore, 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.
- 6.10 In this context the benefit of relaxing condition 15 in order to better attract future occupiers and economic opportunities for the district is a material consideration that weighs in favour of the applicant's proposals.

Amenity Impacts

- 6.11 Policies 32 and 33 of the HDPF seek to ensure an attractive, functional, accessible, safe and adaptable environment avoiding unacceptable harm to the amenity of occupiers/users of nearby property and land through overlooking or noise.
- 6.12 The woodland buffer provides an approximate separation distance of 37m from the nearest corner of the dwelling known as 'Fields Cottage' from the south west of the closest part of the application site. Fields Cottage, Westmead, Barford, West View, Cherry and Thornhill are dwellings located along the east side of Worthing Road; along with dwellings on the north side of Roberts Way (no's 1-5 inclusive), and Deerswood, all have rear gardens, either east or north facing, separated by a woodland buffer which extends beyond their rear gardens by approx. 112m to the east or 111m to the north respectively, in relationship to the application site. Dwellings to the north west are separated by the Public Highway and a landscape tree buffer of between 38m -45m wide, with dwellings to the north east in Martindales separated by existing commercial development within the commercial estate and a landscape buffer of 60m (reducing as a result of planning permission granted for a rear extension to the adjacent commercial buildings immediately to the south).
- 6.13 A revised Noise Impact Assessment (Anderson Acoustics July 2021) has been submitted in addition to the Noise Assessment (Anderson Acoustics December 2020). The initial survey submitted in December 2020 assessed the existing acoustic conditions in the vicinity of the nearest dwellings (with units having been constructed but not occupied at the time of the Assessment) and the following points were advised:

- The site is part of an established commercial estate, with similar and, likely, noisier operations already present. This is likely to mean noise from the site would be less noticeable than it might otherwise have been.
- Given the small sizes of the units, it is anticipated that large lorry movements will be limited, with deliveries or collection primarily via small vans. Likewise, car movements are also likely to be reasonably limited.
- Within the units, there could be potentially a large range of uses and activities, including showroom type uses, and thus typically quiet, up to manufacturing type uses, including the use of electric power tools.
- We (the applicants) would imagine the use of power-tools or the example of a vehicle repair garage would represent the likely worst case uses within the units.
- The chance of worst case activities occurring at the same time, and affecting the same receptors equally, in order for potentially material cumulative effects to occur, is considered highly unlikely.
- Based on the initial appraisal, it is considered that there would be no observed adverse effect (NOAE) from any of the scenarios during the daytime, or in terms of scenarios 2 (van deliveries) and 5 (raised voices with shutters open) at any time. Arguably these latter two scenarios would best reflect the conditions for the majority of the time, if not still on the worst case side in terms of likely out of hours use. This therefore could be sufficient justification for allowing greater flexibility in the operational hours.
- Given the proximity of the site to dwellings, and in keeping with national planning policy, it would be prudent to operate under a Noise Management Plan or similar. Indeed it is expected that the requirement for such will be conditioned as part of permission to vary condition 15.

- 6.14 The applicants advised that the Noise Assessment as originally submitted demonstrated that the units can operate successfully over a 24hr period without harm to the amenity of surrounding occupiers, and that therefore restrictive condition 15 is not required or justified.
- 6.15 The Council's Environmental Health Officer was consulted and disagreed with this position, stating that given there is no assessment of the impacts of noise and disturbance arising from the de- restriction of hours of operation on the neighbouring residents having been undertaken, and it is not possible to fully assess the impacts of the application and the proposals to remove condition 15 (hours of operation), therefore the proposals were not supported.
- 6.16 The revised Noise Assessment dated July 2021 is based on the guidance within BS 4142 with reference to other relevant guidance and local and national planning respectively. The report set out that the existing acoustic conditions in the vicinity of the nearest dwellings have been determined and compared to calculations of the likely sound levels from the operation of the units, some assumptions have been made based on scenarios based on a computerised noise model of the site and surrounding area all buildings are assigned as acoustically reflective, and the model set account for orders of reflections.
- 6.17 Having considered the revised Noise Assessment and the revised proposed hours of operation now proposed, the Council's Environmental Health Officer has advised that the revised hours of operation are now considered to be acceptable.

- 6.18 It is advised that as part of the proposals that the applicants are anticipating that a condition in respect of a Noise Management Plan will be imposed to provide additional security against any potential disturbances. A suitable condition to mitigate against potential concerns has been added in the event that the application is approved. It is noted that the original development permitted under DC/17/1023 did not relate to any external plant machinery which 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 as permitted (i.e. air conditioning plant) will require an application for planning permission to be submitted to the Local Planning Authority in its own right.
- 6.19 On the basis of the above, and having careful regard to the proximity of the site to the adjacent properties on Worthing Road, Roberts Way and Deerswood neighbouring the site and the proposed amendments to conditions 15 as now revised are considered to retain an acceptable impact on neighbouring amenity in accordance with Policies 32 and 33 of the HDPF, subject to the imposition of an additional condition in regards to a noise management plan.

Conclusion

- 6.20 Permission has already been granted for the development of two commercial buildings on the application site by virtue of the consents granted under DC/17/1023 and DC/19/1738 and as such the principle of development has already been agreed and is not the subject of consideration in this application. This application seeks only to amend Condition 15 (operational hours).
- 6.21 The private amenity concerns of local residents are recognised given the relationship and separation distance between the application site and the commercial unit. The applicants have worked to address these concerns and have agreed to the imposition of a revised condition 15 (now condition 16) as an amendment to that previously imposed to mitigate against any potential harm that might arise as a result of the proposals to allow more flexible operating hours. In this respect, it is considered that the existing suite of conditions and the revised condition as recommended would allow appropriate control over operations within the buildings and associated yards whilst allowing the flexible use of the buildings as sought by the applicants. The proposed amendment would allow the units to better attract occupiers and create opportunities for inward investment and local economic growth within the District, in accordance with the Council's Employment and Economic Growth strategy and in accordance with Policy 9 of the HDPF and the overarching principles of Paragraph 80 of the National Planning Policy Framework.

7. RECOMMENDATIONS

- 7.1 To grant planning permission subject to the following conditions:

Conditions:

1. Plans
2. **Regulatory (Time) Condition:** The development hereby permitted must be commenced by the 07/11/2022.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
3. **Pre-Commencement Condition:** The development shall be carried out in accordance with the Construction Management Plan (CEMP) P0850-RHP-22-XX-PL Rev A received on 12/05/2020 along with the supporting Health and Safety File, Construction Phase Plan and appendices and related documents received 12/05/2020 and email dated 15/07/2020

approved under DISC/20/0124. The approved Plan shall be implemented and adhered to throughout the entire construction period.

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 the measures and recommendations set out and approved under DISC/18/0134 and the approved Ecological Mitigation and Enhancement Plan (EMEP) - The Ecology Consultancy, dated January 2018 - have been implemented. The approved provisions 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:** The development shall be carried out in accordance with the details of the finished floor levels and external ground levels of the development in relation to nearby datum points adjoining the application site in accordance with Plan 15621-HOP –ZZ-XX-DR-C DR01 Rev P3 (Appendix A of HOP Consulting Civil and Structural Engineers - Oct 2019) approved under planning ref: DISC/19/0360.

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:** The development shall be carried out in accordance with the approved drainage strategy and Plan accordance with Plan 15621-HOP –ZZ-XX-DR-C EW01 Rev P2 (Appendix A of HOP Consulting Civil and Structural Engineers - Oct 2019) approved under planning ref: DISC/19/0360.

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:** The development shall be carried out in accordance with the approved drainage Strategy, calculations and drawings HOP Consulting Civil and Structural Engineers - Oct 2019) approved under planning ref: DISC/19/0360. 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:** Details of the refuse/recycling bin storage facility shall strictly accord with those detail approved under planning ref: DISC/20/0160. 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:** Details of the cycle storage facility shall strictly accord with those details approved under planning ref: DISC/20/0159. 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:** The development shall strictly accord with the detailed scheme of hard and soft landscaping works approved by the Local Planning Authority under application ref: DISC/20/0125. unless an alternative scheme has been submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.

Any plants which within a period of 5 years (from the date of when they are first planted) die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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 **Pre-Occupation Condition:** No unit hereby permitted shall be first occupied until a noise management plan has been submitted and approved in writing by the local planning authority. This shall include, but not be limited to:
- hours of operation,
 - management responsibilities during all operating hours,
 - measures to control noise from all activities and operations at the site (including the operation of any equipment plant, or building services) and
 - minimising noise from vehicles, deliveries and servicing.

The noise management plan shall be regularly reviewed to ensure that it takes account of current operational practices at the site. Where any activities or operations that give rise to concerns of impact to local amenity are received by the operator or the Local Planning Authority the noise management plan shall be reviewed. Any changes to the noise management plan necessary to address these concerns shall implemented to the satisfaction of the Local Planning Authority. The use hereby permitted shall thereafter be operated in accordance with the approved details.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with Polices 33 and 40 of the Horsham District Planning Framework (2015).

- 13 **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those detailed on the Proposed Elevations Plan [reference P0850-RHP-ZZ-ZZ-EL-A-2110 P8 received 24.03.2020 and P0850-RHP-ZZ-ZZ-EL-Z-2111 P4 received 24.03.2020], as approved under planning ref: DISC/20/0079.

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).

- 14 **Regulatory Condition:** The details of the external lighting shall strictly accord with the detailed scheme of lighting submitted under planning ref; DISC/20/0165 unless an alternative scheme has been submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development. The approved lighting shall be fully implemented prior to first occupation of the development and thereafter retained as such.

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).

- 15 **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 with 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).

- 16 **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 21:00 Mondays to Fridays; 07:00 to 18:00 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).

- 17 **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).

- 18 **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).

- 19 **Regulatory Condition:** Within 3 months from the date of this permission a noise management plan in relation to Unit 25 shall be submitted and approved in writing by the local planning authority. This shall include, but not be limited to:
- hours of operation,
 - management responsibilities during all operating hours,

- measures to control noise from all activities and operations at the site (including the operation of any equipment plant, or building services) and
- minimising noise from vehicles, deliveries and servicing.

The noise management plan shall be regularly reviewed to ensure that it takes account of current operational practices at the site. Where any activities or operations that give rise to concerns of impact to local amenity are received by the operator or the Local Planning Authority the noise management plan shall be reviewed. Any changes to the noise management plan necessary to address these concerns shall be implemented to the satisfaction of the Local Planning Authority. The use hereby permitted shall thereafter be operated in accordance with the approved details.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).