



# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development and Building Control

**DATE:** 07 February 2022

**DEVELOPMENT:** Outline application for the development of up to 26,942 sq m (GIA) for Use Class E (g, iii), B2 and B8 employment uses with ancillary offices, car parking and service yard areas with associated drainage works, site re-profiling and landscaping. All matters reserved for future determination except access.

**SITE:** Nowhurst Business Park Guildford Road Broadbridge Heath West Sussex

**WARD:** Itchingfield, Slinfold and Warnham

**APPLICATION:** DC/21/2873

**APPLICANT:** **Name:** Norman Marshall Ltd **Address:** c/o Agent

**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.

By request of Slinfold Parish Council

By request of Councillor Youtan

**RECOMMENDATION:** To approve outline planning permission subject to appropriate conditions and the completion of a Section 106 Legal Agreement. In the event that the legal agreement is not completed within three months of the decision of this Committee, the Director of Place be authorised to refuse permission on the grounds of failure to secure the obligations necessary to make the development acceptable in planning terms.

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

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks to renew a previous Outline planning application (granted under DC/17/2131) which expired on 27 February 2022. The application seeks renewed permission for the same quantum of development as the previous planning permission, for development of up to 26,942sqm (GIA) for E (g. iii) (industrial processes), B2 (general industrial) and B8 (storage and distribution) employment uses with ancillary offices, car parking, associated drainage works, landscaping and service yard areas. As before, all detailed matters are reserved, except for access to the site.
- 1.2 The proposal is effectively a resubmission of the previously permitted scheme, save for three main changes, which are as follows:
- i. That any permission has a duration of 5 years (instead of 3) to allow for sufficient time to secure development of the site in its entirety; and
  - ii. Amendment to the night-time operating restrictions for Zone 1 only, at the site, to allow for activity on the external areas within this zone over the night-time period.
  - iii. The previous proposal for Class B1c (light industrial) units has now been replaced with a proposal for Class E (g. iii) units in line with the national changes to the Use Class Order which was updated in September 2020.

#### DESCRIPTION OF THE SITE

- 1.3 The site is currently unused, but is a previous industrial and landfill site of circa 11.1ha, with direct access off the A281. The principal activities on the site have historically taken place on the southernmost part of the site adjacent to Nowhurst Lane. These have included light industrial activities within a series of low-key buildings, and outside storage and light industrial uses across the southern part of the wider site (including use as a civil engineering depot with open storage of vehicles and building materials, vehicle salvage and repairs, maintenance training of railway vehicles). The main part of the site was previously used as landfill.
- 1.4 The access road runs west from the roundabout on the A281, flanked to both sides by 7m high artificial bunds, before turning south towards the main part of the site. The area west of the access road forms uneven scrubland that falls away to the west. An artificial bund defines the northern site boundary, and woodland delineates the western site boundary. There are extensive views of open countryside from the elevated parts of the site, particularly to the northwest. Dense woodland to the west of the river valley partially screens the site from a public right of way that runs parallel with the western site boundary at a separation of 200m.
- 1.5 The southern boundary of the site is formed of close boarded fencing that immediately abuts Nowhurst Lane. Nowhurst Lane is rural in character, with a mix of cottage-style dwellings set along its northern side, and woodland to its southern side. The woodland includes public footpaths and a campsite. Nowhurst Lane itself is a bridleway. Two grade II listed buildings, Smithawe Farm and Old Strood, sit close to the south-eastern site boundary, separated from the site by a large bund set within woodland. A further grade II listed building, Farlington School, sits to the east of the site to the opposite side of the A281.
- 1.6 The nearest residential properties abut the site along Nowhurst Lane, with Quarries set adjacent to the southwest boundary and Smithawe Farm and The Cowshed adjacent to the southeast boundary. Further properties sit in relatively close proximity to the east along Nowhurst Lane, including Old Strood, Old Strood Farmhouse and Warrens View. Brackensfield Farm and Brookhurst Farm sit to the south and north of the site entrance respectively, with Farlington Lodge opposite the A281 to the east. The nearest properties to the northwest are some 400m distant, and to the southwest some 200m distant.

## 2. INTRODUCTION

### 2.1 STATUTORY BACKGROUND

The Town and Country Planning Act 1990.

### 2.2 RELEVANT PLANNING POLICIES

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

#### **National Planning Policy Framework (NPPF, 2021)**

#### **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 4 - Strategic Policy: Settlement Expansion  
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 40 - Sustainable Transport  
Policy 41 - Parking

#### **West Sussex Joint Minerals Local Plan (2018)**

Policy M9 - Safeguarding Minerals

#### **Supplementary Planning Guidance:**

Planning Obligations and Affordable Housing SPD (2017)  
Community Infrastructure Levy (CIL) Charging Schedule (2017)

#### **Parish Design Statement:**

Slinfold Parish Design Statement (2006)

### 2.3 RELEVANT NEIGHBOURHOOD PLAN

The Slinfold Neighbourhood Plan was formally made in June 2018, and forms part of the Council's Local Development Plan. The main policy with the Slinfold Neighbourhood Plan that is relevant to this site is Policy 11: Existing Employment Centres, as follows:

*'Development proposals which seek to maintain or enhance the existing employment centres at Nowhurst Business Park, Maydwell Avenue, Spring Copse, Lyons Farm and Bramble Hill (as identified on PDS 13: Existing Employment Centre) will be supported subject to no unacceptable impact on highway safety and local amenity'*

In addition, paragraph 6.3 of the Slinfold Neighbourhood Plan recognises the district-wide importance of Nowhurst Business Park as a strategic employment site.

## 2.4 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/17/2131	Outline application for the development of up to 26,942 sq m (gross internal area) for B1c (industrial processes), B2 (general industrial) and B8 (storage and distribution) employment uses with ancillary offices, car parking, associated drainage works, landscaping and service yard areas. All matters reserved except for access.	Application Permitted on 27.02.2019
DISC/19/0100	Approval of details reserved by conditions 4 (phasing plan), 5 (final land levels), 8 (tree protection), 9 (Construction Environment Management Plan), 10 part (a) only (contamination) and 11 (Ecological Mitigation and Management Plan) on DC/17/2131 (outline application for 26,942 sq m B1c, B2, B8 employment uses) pertaining to preliminary works to prepare the site for development, Phase 1 (site entrance), and early planting works along Nowhurst Lane ONLY.	Condition Details Permitted on 13.09.2019
DISC/19/0342	Approval of REVISED details reserved by condition 9 (Construction Environment Management Plan) on DC/17/2131 (outline application for the development of up to 26,942 sq m (gross internal area) for B1c, B2 and B8 employment uses) pertaining to preliminary works to prepare the site for development, Phase 1 (site entrance) and early planting works along Nowhurst Lane ONLY	Condition Details Permitted on 23.12.2019
DISC/20/0152	Approval of details reserved by condition 10 (a), (b) and (c) on DC/17/2131 (Outline application for the development of up to 26,942 sq m (gross internal area) for B1c (industrial processes), B2 (general industrial) and B8 (storage and distribution)), for the site as a whole.	Condition Details Permitted on 15.09.2020
DC/16/2941	Development of up to 27,882 sqm (gross internal area) for B1c (industrial processes), B2 (general industrial) and B8 (storage and distribution) uses with ancillary offices, car parking and service yard areas with associated drainage works, site re-profiling, and landscaping (outline application with all matters reserved except access)	Application Refused on 02.06.2017

## 3. OUTCOME OF CONSULTATIONS

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

3.1 **HDC Drainage Engineer: No Objection**

[Summary]: No overall objection. Suitable drainage conditions should be applied, including conditions to require evidence to show that an agreement is in place for the ongoing maintenance of any SuDS systems. Ordinary Watercourse Consent from the Environment Agency will be required.

3.2 **HDC Economic Development: Support**

[Summary]: Strong support is given for additional Class E, B2 and B8 employment floorspace, and the renewal of the existing planning permission to enable this development to come to fruition. The development would provide modern, good quality commercial units which will be essential for supporting existing and new businesses. The flexible approach to cater for a range of occupiers is also welcomed by Economic Development. The development would also lead to additional employment opportunities.

3.3 **HDC Environmental Health: Objection**

[Summary]: The noise assessment assumes distribution of HGV movements (one per hour) which may not reflect the desire of future occupiers, and may also be difficult to regulate through condition. Permitting 24-hour external activity is likely to significantly alter the character of the rural area which is otherwise very quiet and dark at night. As the locality is so quiet at night, noise is likely to be readily discernible even if it is not "significantly" loud as defined in the relevant noise guidance. The introduction of night-time activity would fundamentally alter the character of the area by introducing activities atypical to the existing night-time character of the locality.

The introduction of lighting necessary to ensure safe night time operations will introduce sky glow. The lighting strategy refers to the lorry areas and the lighting that would be necessary, which doesn't accord with 24 hour operation.

The broader context has to be considered rather than just noise impacts. The noise impacts from the limited external activity as modelled in the noise survey may be unlikely to be harmful to health, but that doesn't make it desirable or appropriate given the speculative nature of the development proposals. It remains the view of the officer that the conditions attached to the consented development represent the right balance between the applicant's desire to market the development as widely as possible and the protection of the amenity and character of the area.

3.4 **HDC Landscape Architect: Comment**

[Summary]: Many of the previous comments from DC/17/2131 are relevant to this application and should be taking into account, in particular those related to the 'parameter plans' and discussion on eaves heights.

- It is noted that the 'Additional Proposed Landscape Zone' has been removed from the submitted Parameter Plan, which is not acceptable (\*UPDATE\* this has now been amended).
- Indicative landscape and site sections were submitted previously and should be submitted in support of this proposal (\*UPDATE\* these have now been submitted).
- A Wireframe Massing Model should be added to the LVA as was done previously (\*UPDATE\* the LVA has now been amended to include this).
- Please consider conditioning the early delivery of planting within the 'Additional Proposed Landscape Zone'.

[Summary of Landscape Comments from DC/17/2131]:

- The Parameter Plan has been revised and provides certainty that a suitable scheme can be developed.
- The 6m wide landscape buffer along the north boundary together with appropriate planting and building materials should provide satisfactory screening to views from the

nearby public footpaths. Whilst an 8m wide buffer here is preferred, this could be reviewed subject at reserved matters stage.

- A reduced eaves area of 8m has been proposed. It would be preferred if this referred to a maximum eave height of 8m fronting Nowhurst Lane, and 6m towards the Quarries Bungalow to reflect the sensitivity of this boundary. Alternatively, this could be secured by condition.
- Concerns remain over the little amount of landscape proposed and how successful the proposed landscape platforms will be. Within zone 1 there are still concerns over the amount the ground is being raised and how much that will expose the development. Despite this, additional planting along the western boundary is considered positive and this in conjunction with a suitable cladding material to the building might be sufficient.
- An alternative lighting scheme should be provided to reduce the number of columns to a minimum, in favour of level lighting such as bollards.

### 3.5 **HDC Conservation Officer: Comment**

**[Summary]:** Following confirmation from WSCC that the site is effectively sterile, I raise no objection on these grounds. Please refer to the previous Conservation Officer's comments regarding DC/17/2131. The application should be determined with regard to paragraph 202 of the NPPF.

**[Summary of Heritage Comments from DC/17/2131]:**

- Whilst amendments have been made to reduce the height of the large building to the southern area of the site, the development is still considered too intensive.
- The development would be at odds with the existing character of the immediate context, and the more intensive use of the site would erode the existing tranquil character that can be enjoyed at present.
- The unit close to the Nowhurst Lane frontage would compete and conflict with scale, character and appearance of the listed buildings and the presence of the building would detract from the rural character and appearance of their setting.
- The proposal would introduce a much more intensive use of the site with huge buildings standing more prominently within the site and its surroundings.
- It is considered that the scheme would have a less than substantial impact on the setting of the listed buildings and contrary to para 134 of the NPPF, it appears that there would not be any tangible public benefit to the scheme which would offset that harm. Any harm is given significant weight in the planning balance and it is considered that the proposed development would have a permanent and irreversible impact on the rural setting.

## OUTSIDE AGENCIES

### 3.6 **WSCC Highways: No Objection**

**[Summary]:** Having assessed the latest TA and having regard for the previously history at the site namely the most recent 2017 application the LHA raise no objection to the proposals from the highway point of view subject to conditions.

- Access - the access strategy remains comparable to the 2017 proposal (via a roundabout onto the A281). Two new bus stops with crossing facilities to the site are provided either side of the site access. As with the 2017 application, there would be no concerns with the current proposals. Swept path analysis indicates that the movement of HGV's can be suitability accommodated within the access layout.
- Junction Modelling - modelling has been updated from 2017, the results of which are accepted, and no additional mitigation is required. TRICS assessment has been undertaken, The maximum 'worst-case' additional traffic volumes are approximately 277 (am) and 236 (pm) two-way vehicle movements during peak hours. We are satisfied with the assessments undertaken.
- Parking – to be provided in accordance with WSCC parking standards. The indicative

layouts indicate that sufficient spaces can be accommodated on site. WSCC standards for EV provision have been followed (20% of spaces would have 'active' EVC points, with the remaining 80% fitted with 'passive' infrastructure). The LHA are satisfied with this approach.

- Travel Plan - the previously approved Travel Plan has been updated, and now includes additional sustainable elements such as EVC charging.
- Conditions\_– (1) cycle parking, (2) construction management plan, (3) Travel Plan to be approved.
- S106\_– as per the 2017 application, the proposed shuttle service would need to be secured in a legal agreement.

### 3.7 **WSCC Minerals and Waste: No Objection**

[Summary]: Following previous comments, the applicant has submitted a Minerals Assessment. The submitted Mineral Assessment opines that, owing to the previous excavations for Horsham Stone at the site and its subsequent use as a landfill site, the site area appears to be devoid of any significant mineral resources of Horsham Stone up to a depth of around 3-4m. Similarly, the data collected does not reveal any meaningful deposits of Weald Clay. As such, given the low priority of the Weald Clay resource (owing to its abundance within the county) and the relative lack of Horsham Stone at the site, we are satisfied that the applicant has sufficiently demonstrated that prior extraction would not be economically practicable or environmentally feasible. Therefore, we raise no objection to the proposed development.

### 3.8 **Warnham Parish Council: No Objection**

[Summary]: Whilst the Parish Council have no objections, they would like to raise strong concerns over the increase of traffic and further highways issues that the development will place on Warnham and the surrounding areas. The Parish Council requests that provisions for monitoring the traffic and highways issues are put in place at regular intervals and reports circulated with Council.

### 3.9 **Slinfold Parish Council: Objection**

[Summary]: Slinfold Parish Council strongly objects to this application on the basis that it represents a significant change to the previously approved application (DC/17/2131). That change being the suggested 24/7 hours of operation and the extended duration (5 years) of planning consent.

- The proposal for B1/B2/B8 uses is too wide. B8 usage will create a significant amount of new traffic onto the A281;
- Given the close proximity to residential properties, a school, nursing home and its rural location, the site is unsuitable for a 24 hour industrial operation;
- The Noise Report shows a significant increase in night noise, and some of the data on the report is incomplete. Reversing beepers are particularly intrusive as are loading and unloading operations and the operation of machinery;
- The 24hr operation will lead to an unacceptable increase in light pollution;
- The Parish would like to see an assessment of demand before any reapproval of permission is granted, and would seek to avoid a site filled with multinational companies;
- The preferred use would be for smaller businesses and offices, where individuals can rent small offices/workshops. This would provide a facility for small businesses currently located in less suitable premises in the rural area to grow;
- The Parish Council fully supports the views of the local residents, notes the number of objections and the points raised in their letter of representation. Given the strength of opposition and number of representations from neighbours the application should be decided at Committee;
- Should approval be granted we would like to see more screening around zone 3 and the eastern section of zone 2.

- 3.10 **WSCC Flood Risk Management: No Objection**  
[Summary]: The FRA proposes that attenuation tanks with restricted discharge to the main river would be used to control the surface water. In the spirit of SuDS, betterment for surface water systems should be sought. Discharge to the main river would require consent from the EA.
- 3.11 **WSCC Fire and Rescue: No Objection (condition suggested)**  
[Summary]: Conditions recommended for details to be submitted for required fire hydrant(s) within the development site.
- 3.12 **WSCC Rights of Way: No Objection**  
[Summary]: It is understood that the application does not impact upon, or propose any alteration to any PROW routes, therefore no objection is raised. In accordance with HDPF Policy 40 a contribution should be sought to provide improved non-motorised access to the development site (specifically to Bridleway 1443 and 1434\_1). A contribution of £75k is sought in respect of approximately 1.5 km of surface / structural improvements to the BW1443 & BW1434\_1 routes. Section 4.11 of the DAS refers to a secondary access point to the development from Nowhurst Lane. It should be noted that in the absence of this access point all non-motorised user (NMU) access would be from the A281 Guildford Road, which has no facilities for pedestrians or cyclists. It is therefore recommended that the provision of a suitable access from Nowhurst Lane for NMUs should be a requirement of any planning consent.
- 3.13 **Surrey County Council Minerals and Waste: No Objection**
- 3.14 **Environment Agency: No Objection (conditions suggested)**  
[Summary]: No objection raised, subject to the following conditions: (1) Remediation strategy for any unidentified contamination to be submitted and approved; (2) No piling using penetrative methods to be used, unless with written consent.  
Advice notes to the applicant include: (1) assessment of the sewerage treatment plant; (2) all roof water run-off to drain to rainwater soakaways; (3) any imported soils to be accompanied by an environmental permit; (4) treatment of on-site waste; (5) proper disposal of hazardous waste to be taken off-site; (6) groundwater protection advice; (7) advice regarding pollution prevention.
- 3.15 **Ecology Consultant: No Objection (conditions suggested)**  
[Summary]: We have reviewed the Briefing Note: Updated Ecological Assessment (Ecology Solutions, September 2021) and the Ecological Assessment (Ecology Solutions, September 2017). The mitigation measures identified should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species particularly bats, Great Crested Newt and other amphibians, reptiles and birds. We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 174d of the NPPF. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by condition. Suggested conditions include: (1) Action in accordance with Ecological Assessment, (2) Submission of a Biodiversity Enhancement Strategy, (3) Submission of a Wildlife Sensitive Lighting Design Scheme.
- [Summary of Comments on 24hr Lighting]: We recommend that 24 hour lighting should be avoided in the immediate vicinity of the landscape buffer to the north and west of Zone 1. In the rest of the site, 24-hour lighting needs to take into account where the bat boxes are being erected, ensure that the appropriate hoods and cowls are used, low level lighting is used when possible and that the lighting is directed away from sensitive areas for bats.
- 3.16 **Natural England: No Objection (subject to securing appropriate mitigation)**  
[Summary]: The Appropriate Assessment concludes that the proposal will not result in adverse effects on the integrity of the sites in question. The submitted Water Neutrality



Statement (Rev-09) details the proposal to achieve neutrality by implementing water efficient fixtures and fittings, including low-flow taps and waterless urinals, as well as a rainwater harvesting system which will supply the entirety of the developments water requirements with a sufficient buffer. Natural England concurs with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given as above. The competent authority should ensure conditions are sufficiently robust to ensure that the mitigation measures can be fully implemented and are enforceable in perpetuity and therefore provide a sufficient degree of certainty to pass the Habitats Regulations.

3.17 **Southern Water: No Objection**

PUBLIC CONSULTATIONS

3.18 23 letters of representation have been received (from 20 different households), all objecting to the proposed development. A summary of the reasons for objection is as follows:

- Noise and light disturbance from 24-hour operation in Zone 1
- Additional traffic
- Rise in CO2 emissions
- Noise / light pollution
- Impact on countryside character
- Noise levels would lead to sleep disturbance
- Disturbances caused by HGV movements every 2 mins
- Lighting impact on wildlife
- Impact on heritage assets (Grade 2 listed houses)
- No public transport to the site
- No control over 24-hour operation in Zones 2 and 3
- Rat running through Wickhurst Green
- Employment space is not needed
- No justification for extending hours of operation
- No water neutrality proposal
- Impact on dark skies
- Thin end of wedge

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

4.1 Under the Equality Act 2010, the Council has a legal duty to pay 'due regard' to the need to eliminate discrimination and promote equality, fostering good relations in respect of Race, Disability, Gender including gender reassignment, Age, Sexual Orientation, Pregnancy and maternity, Religion or belief. The Equality Act 2010 will form part of the planning assessment below.

4.2 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.

4.3 Consideration of Human Rights and Equalities 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 In February 2019 (under application reference DC/17/2131), Outline planning permission was granted for the same type and quantum of commercial development on this site as is proposed under the current application. Owing to unforeseen delays with the submission of a Reserved Matters application (which was required within 3 years of the original permission), the 2019 Outline permission expired in February 2022. As such, the current application is effectively a re-submission of the previously consented scheme. The type of quantum of development proposed under the current application is the same as before, however, three changes to the previous scheme are proposed, as follows:

1. That any permission has a duration of 5 years (instead of 3) to allow for sufficient time to secure development of the site in its entirety; and
2. Amendment to the night-time operating restrictions for Zone 1 only, to allow for activity on the external areas within this zone over the night-time period.
3. The previous proposal for Class B1c (light industrial) units has now been replaced with a proposal for Class E (g. iii) units in line with the national changes to the Use Class Order which was updated in September 2020.

### Principle of Development:

6.2 As with the previous application for commercial development on this site (which was approved under DC/17/2131), it remains the case that the application site is located outside any defined settlement boundary and is not allocated in the adopted local plan (the HDPF) or within the Slinfold Neighbourhood Plan (owing to its status as a strategic employment site). Strictly speaking therefore, the proposed development falls contrary to the key spatial policies of the HDPF (Policies 1, 2, 4 and 26), and accordingly, the grant of planning permission for development on this site would represent a departure from the development plan.

6.3 Paragraph 12 of the NPPF states that: *'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'*. This follows section 70(2) of the Town and Country Planning Act and the provisions of Paragraphs 2 and 47 of the NPPF which require that *'...applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise'*. In determining whether the principle of the proposed development is acceptable, it must therefore be judged that there are material considerations of sufficient weight to warrant such a departure.

6.4 In this case, the 3-year timeframe for submitting Reserved Matters applications for the development of the previous approval (DC/17/2131) expired in February 2022. Whilst it is acknowledged that the original Outline permission granted has now expired, the previous approval by the Council of a proposal comprising the same type and quantum of development on the same site; is considered to carry significant weight in favour of justifying a departure from policy. In addition, as per the previous approval, it remains the case that the site is located close to (and accessed directly from) a main 'A' road, and therefore benefits from good road connections. This coupled with the sites historic lawful industrial use; leads to the view that the principle of commercial development here continues to be acceptable. Whilst the National Planning Policy Framework (NPPF) has been updated since the last approval was granted, the updates have no direct relevance to the matters in this case. As such, given the physical site circumstances remain the same, and there have been no relevant updates or changes to national or local planning policy, it is considered that the principle of commercial development on this site remains acceptable.

- 6.5 The commercial development that was most recently approved on this site (comprising 26,942m<sup>2</sup> of B1b/c, B2 and B8 employment space) is included in the Council's list of 'committed' employment sites which have been approved since the adoption of the HDPF in 2015 to address an identified quantitative and qualitative shortfall in the current plan period. These sites are listed in the most recent update to the Economic Growth Assessment (EGA, Nov 2020) and in Table 3 of the Regulation-19 Draft Local Plan, July 2021. Whilst other employment sites have been permitted in the District since the previous approval on the Nowhurst site, as the site forms an existing commitment, the need for the commercial floorspace proposed still remains, and this application simply seeks to renew the permission the Council previously granted in 2019. It is intended that the committed sites listed in the EGA (including Nowhurst) will contribute to meeting the current identified shortfall, as well as anticipated employment floorspace needs required over the next plan period. Given the application site forms an existing and important commercial commitment which the Council relies upon to help to meet current shortfalls and anticipated need going forward, this is another important material consideration which weighs in favour of justifying a departure from policy.
- 6.6 In summary, whilst it is acknowledged that the application site is located outside a defined built-up area boundary and is not allocated for development in the adopted local plan; there are no significant changes to the site circumstances or planning policy framework that would warrant withholding a renewal of planning permission. As per the previous approval, it is considered that the material planning considerations relevant to this case are sufficiently compelling to justify a departure from the HDPF development strategy, and this establishes the principle of development on the site as being acceptable.

#### **Landscape Effects:**

- 6.7 The Council's Landscape Architect was heavily involved in the deliberations of the previous approval (DC/17/2131) and was influential on matters relating to the parameters plan and discussions on buffer planting and maximum building heights, particularly within the more sensitive southern section of the site fronting Nowhurst Lane. The Landscape Architect has reviewed the current proposal and has advised the many of the previous comments from DC/17/2131 remain relevant to this application.
- 6.8 As per the previous approval, the submitted parameters plan shows areas of existing landscaping, new landscape buffers, new enhanced wildlife areas, an 'Early Planting Zone' and a 'Reduced Eaves Height Zone'. Under DC/17/2131, Condition 24 restricted the eaves heights in the 'Reduced Eaves Height Zone' to a maximum of 6m with an overall building height of 10m. It is proposed that the same condition is re-imposed pursuant to the current application. As before, 'Additional Proposed Landscaped Zones' are proposed along the western boundaries of the site. The Landscape Architect has requested that planting in both the 'Additional Proposed Landscaped Zones' and in the 'Early Planting Zones' are conditioned to come forward early. This is considered to be reasonable, and such a condition has been drafted (see Condition 11).
- 6.9 It has been demonstrated that the outline landscape proposals do not differ from the scheme that was deemed acceptable under DC/17/2131. As such, subject to the imposition of the same conditions to mitigate any significant harm (including early planting in key areas of the site and control over maximum building heights); it is considered that the development would not have an adverse impact on the wider landscape character of the site, in accordance with Policies 25, 32 & 33 of the HDPF.

### **Heritage Impact:**

- 6.10 There are three listed buildings in the vicinity of the site, Smithawe Farm and Old Strood to the south of the site fronting Nowhurst Lane, and Farlington School to the east on the opposite side of the A281. All three are Grade II listed.
- 6.11 The Council's Heritage Officer raised an objection to the proposal under the previous application (DC/17/2131), citing concerns that the proposed commercial development would erode the existing tranquil character of the wider area and result in permanent and irreversible impact on the rural setting of the listed buildings along Nowhurst Lane. Under DC/17/2131, the Heritage Officer judged that the scheme would result in 'less than substantial harm' to the setting of the nearby listed buildings and advised that this harm must be weighed against the identified public benefit of the proposal as required by para 134 (now para 202) of the NPPF.
- 6.12 Despite negotiations between the Council and the applicant to lower the overall building heights (to 10m to ridge, and 8m to eaves) and to improve the landscape buffering along the southern boundary; owing to the proposed location and scale of the buildings nearest to Nowhurst Lane, it was judged by Officers (under DC/17/2131) that the scale of the proposed commercial buildings in this location would be appreciable and would intrude into the setting of Grade 2 listed Smithawe Farm in particular. As such, under DC/17/2131 Officers agreed with the Heritage Officer that the proposal represented 'less than substantial harm'. Overall however, when applying the provisions of NPPF para 134 (now para 202), it was judged that the proposed commercial development of 26,942m<sup>2</sup> would result in significant and tangible public benefits (as derived from the employment provision) which was considered to outweigh the identified heritage harm.
- 6.13 The conclusion above was reached applying great weight to the statutory provision within s66 of the Town and Country (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a listed building or its setting in decision making. In assessing the current proposal, the same level of regard has been paid the provisions within s66 of the 1990 act above. Given the quantum and type of development proposed under the current application remains the same as that considered under DC/17/2131, it is judged that the same level of harm to the nearby heritage assets (i.e. 'less than substantial harm') would still apply. As such, subject to the inclusion of the same conditions imposed under DC/17/2131 to mitigate the harm identified to the nearby listed buildings along Nowhurst Lane (including conditions for maximum building heights, and improved buffer landscaping); it is considered that the public benefit that would result from the employment opportunities created from nearly 27,00m<sup>2</sup> industrial floorspace would outweigh the heritage harm identified, in accordance with para 202 of the NPPF.

### **Highways / Access / Parking:**

- 6.14 An updated Transport Assessment has been submitted in support of the current application. This has been assessed by WSCC as the Local Highways Authority and as per the previous 2019 scheme, no highways objection to the proposal has been raised. The LHA note that the access strategy (i.e. a roundabout onto the A281 with footway provision providing connections to the external network) remains comparable to the 2019 scheme, and the site layout allows for appropriate movement and turning for HGVs. Highways improvements to the A281 that were required under the 2019 scheme (including widening of the northern arm of the roundabout, and the installation of new bus stop infrastructure) have now been implemented. Junction modelling and an analysis of highways capacity has been updated, and even under a 'worse-case scenario' of 227 (am) and 236 (pm) two-way vehicle movements, additional traffic on the local road networks and junctions is judged by the LHA to be acceptable.

- 6.15 Parking onsite is predicted to consist of around 290 spaces for layout option 1, and 336 spaces for layout option 2. Whilst the proposal is in Outline (so the precise number of parking spaces is not known) the LHA is of the view that the indicative layouts show that a sufficient number of spaces can be accommodated on site, with room for more if required. The 2020 WSCC standards for EV provision have been followed (20% of spaces would have 'active' EVC points, with the remaining 80% fitted with 'passive' infrastructure), and the LHA has confirmed they are satisfied with this approach. Cycle parking would be provided in accordance with the WSCC standards, and this provision would be secured at detailed design (Reserved Matters) stage, or by condition.
- 6.16 As acknowledged under the 2019 application, owing to its rural location, the site is not greatly serviced by sustainable transport modes. Whilst new bus stops are now located on the A281 close to the site entrance, only a limited service between Horsham and Guildford is available. As such, journeys to the site by sustainable modes of transport are therefore likely to be limited, with the development likely to be heavily reliant on car travel as a result. As secured by s106 agreement as part of the previous approval, the provision of a bespoke shuttle bus service to transport employees between the site and key transport hubs (including Horsham Railway Station and residential areas) is proposed to be secured as before.
- 6.17 The previously approved Travel Plan has been updated to reflect the current application which now includes additional sustainable elements such as EVC charging. The main objective of the Travel Plan is to provide a long-term strategy for encouraging employees and visitors to reduce their dependency on car travel in favour of more sustainable modes of travel such as public / active transport and car sharing. The Travel Plan now also promotes a shift to low emission vehicles. A Travel Plan Coordinator will be appointed and will be responsible for implementing and monitoring the proposed measures. The LHA are satisfied with this approach to seek to encourage employees to use more sustainable modes of travel.
- 6.18 In summary, given the similarities between the current proposal and the previously approved scheme, it is not considered that there are any highways grounds to refuse permission. As before, conditions are required to be imposed (including conditions to secure cycle parking, a construction management plan, and the approval of the Travel Plan), and a s106 agreement is required to secure the provision of the shuttle bus service.

### **Impact on Amenity of Neighbouring Occupants**

- 6.19 The site is adjacent to residential properties fronting Nowhurst Lane, the nearest being 'Quarries' set adjacent to the southwest boundary, and 'Smithawe Farm' and 'The Cowshed' adjacent to the southeast boundary. Further properties sit in relatively close proximity to the east along Nowhurst Lane, including 'Old Strood', 'Old Strood Farmhouse' and 'Warrens View'. 'Brackensfield Farm' and 'Brookhurst Farm' sit to the south and north of the site entrance respectively, with 'Farlington Lodge' opposite the A281 to the east. The nearest properties to the northwest are some 400m distant, and to the southwest some 200m distant. A campsite is located south of Nowhurst Lane operated by the Guide Association.
- 6.20 In support of the previous (2019) application, an Environmental Noise Assessment (by Sharps Redmore) was submitted. Owing to a previous refusal for development on this site on noise grounds prior to the 2019 application, the Noise Assessment was carefully considered by Officers in consultation with the Council's Environmental Health Team to assess whether noise mitigation could overcome the previous reason for refusal. The Assessment identified low background noise levels and noise sensitivities associated with this site, therefore it was considered appropriate for conditions to be imposed which restricted the hours of internal and external activity within each of the three zones.
- 6.21 Zone 1 (the area to the northern end of the site) is furthest away from noise sensitive receptors (namely residential dwellings along Nowhurst Lane), and as such, 24hr internal operations were allowed, but Condition 22 prohibited any overnight external operations within

this zone (between the hours of 11pm and 7am). The reason for this condition was to safeguard the tranquillity of the countryside and amenities of neighbouring properties. Restrictions for activities within Zones 2 and 3 (the areas of the site closest to Nowhurst Lane) were more strictly controlled by Condition 23 due to the proximity to sensitive receptors. This condition prohibited any weekday activity (internal or external) after 8pm. The reason given for Condition 23 was the same as for Condition 22 (i.e., to safeguard tranquillity). The applicant was in agreement with these restrictions.

- 6.22 In support of the current application, an updated Environmental Noise Assessment has been submitted (also by Sharps Redmore). The assessment notes that the noise environment is largely unchanged since the previous report was commissioned, and states in paragraph 1.4 that *'in terms of noise, the impacts will be similar to those assessed at the time of the extant planning permission was granted, and it is therefore considered that in noise terms, subject to similar conditions [as previously imposed], the proposed development would be acceptable'*. Officers are in agreement with the conclusions reached by the applicant's consultant (Sharps Redmore).
- 6.23 As part of the current proposal, the applicant is now seeking approval for 24 hour internal and external operations within Zone 1 (which was previously restricted by Condition 22 under the 2019 permission). It is understood that this is because a prospective occupier within Zone 1 (a white van distribution company) requires 24hr use to undertake their operations. The main focus of the updated Environmental Noise Assessment was therefore to consider the impact of noise from night time activity in Zone 1.
- 6.24 Whilst the site is understood to be currently vacant, it is acknowledged by Officers that previous historic lawful uses on the site allowed for operations to occur on site between the hours of 0700-1900 Mondays-Fridays, and 0800-1700 Saturdays (with no operations allowed on a Sundays or public holidays). It was acknowledged in para 6.39 of the previous Officer's Report (DC/17/2131) that under the current lawful use of the site there is the potential for the site to operate with a significantly greater intensity during the daytime, such that identifying harm from daytime operations associated with the proposed development would be difficult. This does not however extend to night time operation, where the site is effectively silent.
- 6.25 As detailed in section 3 of the most recent Environmental Noise Assessment, updated noise surveys were conducted in October 2021 using a monitoring location close to the nearest residential receptor to Zone 1 (Brackensfield Farm). The night time background noise levels were consistent with previous surveys undertaken in September 2016, and shows average night time (maximum) background noise levels in this monitoring location of around 32dB. Section 5.3 of the Environmental Noise Assessment shows that at Receptor 2 (Brackensfield Farm), the predicted night time (maximum) noise levels once the development is in operation will be around 49dB. The noise assessment notes in paragraph 5.4 that the predicted noise level of 49dB in this location will be below the World Health Organisation's (WHO) night time noise criteria for the onset of sleep disturbance of 60dB, therefore the assessment concludes that *'noise levels from external activity would not cause adverse impact in line with the policy aims of the NPPF, and that there is no technical reason to restrict operating hours of units in Zone 1'*. Notwithstanding this, the noise assessment acknowledges that the background noise levels in this location are low, and as such, recommends that a noise management plan is secured by condition to further control night time activity in this location.
- 6.26 The findings of the updated Environmental Noise Assessment have been shared with the Council's Environmental Health Officer (EHO). As per the previously approved (2019) application, the EHO agrees that given the historic use of this site for commercial operations, no objection is raised against the principle of commercial development in this location. Similarly, as before, the EHO acknowledges that residents are not located immediately on the boundary of Zone 1 and does not therefore object to 24-hour internal activity in this zone. Consistent with the previous position, the EHO is of the view that permitting 24-hour external activity is likely to significantly alter the character of the rural area which is otherwise very

quiet and dark at night. As such, it remains the view of the Council's Environmental Health Department that the conditions attached to the previously consented development (the 2019 scheme) represent the right balance between the desire to market the development as widely as possible, and the protection of the amenity and character of the area.

- 6.27 The applicant has sought to demonstrate that the predicted night-time noise levels that would result from 24-hour operations within Zone 1 (49dB) would be less than the WHO maximum night time criteria (60dB). The EHO does not dispute this but highlights that these limits are based on health criteria only, and do not consider associated impact on local amenity and character which is particularly relevant in a location such as this where background noise levels are so low, and where night-time activity has never historically occurred. The EHO concludes that the best way to safeguard the amenity of residents and the character of the locality is to ensure there is no external activity at night. As such, Officers are of the view that the applicant's request for 24-hour internal and external activity in Zone1 is not acceptable, and recommend that the conditions imposed under the previous approval (DC/17/2131) which restricted hours of operation should be re-imposed in order to safeguard neighbouring amenity. These conditions (Condition 26 and Condition 27) are consistent with those previously included under DC/17/2131 and have been drafted at the end of this report.
- 6.28 The current proposal has been supported by a revised Lighting Strategy Report which shows the same level and type of lighting is proposed across the site as was accepted under the previous approval. As per the conclusions above regarding the effect of noise from the site on local residential amenity, it is considered that the requirement for overnight lighting within the site (including the access road where 6m columns are proposed) would cause undesirable sky glow, and would not be acceptable in this rural location. It is accepted that a combination of column and bollard lighting would be needed across the site to enable operations during permitted hours, but it is the view of Officers that the lighting conditions imposed under the 2019 permission remain relevant and should also be re-imposed with the current scheme. This will ensure all external lighting is switched off outside of the consented operating hours (save for low level emergency lighting to exits). Conditions 28 and 29 have been drafted to that effect. A requirement has also been included in the hard and soft landscape condition (Condition 12) for the submission of a detailed lighting scheme for all external areas to accord with ecology safeguarding recommendations.
- 6.29 The indicative layout of the site (taking into account both layout options 1 and 2), is similar to the indicative layout that was previously approved under DC/17/2131. Whilst there are some layout differences shown in Zones 1 and 2, the proposed layout in Zone 3 (the zone closest to adjoining neighbours) is almost identical to the previously approved scheme. As before, the indicative layout shows a suitable separation of around 30m from 'Quarries' to the nearest Zone 3 buildings. This coupled with the existing acoustic fence, mature evergreen trees and proposed planting buffer, is considered to provide sufficient screening to avoid adverse harm to residential amenity.
- 6.30 As per the previous approval, the commercial buildings in Zone 3 that are located nearest to neighbouring properties on Nowhurst Lane are shown to be within a 'Reduced Eaves Height Zone' and would be subject to a condition that restricts the eaves height to 6m, and the overall height to 10m. Condition 30 has been drafted to this effect.
- 6.31 As before, a suitable separation of around 50m continues to be retained across the existing landscaped bund to 'Smithawe Farm' and 'The Cowshed' to the east to ensure that the overall scale of any building would not be unduly imposing on light or outlook. In respect of the other properties to the east and north, as before, no significant impact on light or outlook is likely given the significant separations to the site and the presence of existing bunds and boundary landscaping.
- 6.32 In summary, as per the Council's assessment of the previous 2019 proposal and having regard to the lawful use of the site, it is judged that subject to conditions to restrict hours of

operation across the site to preclude 24-hr external operations (as well as other conditions to secure the submission of a Noise Management Plan and to control external lighting and building heights etc); the proposal demonstrates that a suitable development can come forward that is able to avoid adverse impact on neighbouring residential amenity, in accordance with HDPF Policy 33.

### **Ecology and Biodiversity Enhancement**

- 6.33 Following the previously submitted Ecological Assessment and survey work (dated September 2017), and Ecological Mitigation and Enhancement Plan (EMMP, June 2019); the applicant has submitted an Updated Ecological Assessment which includes updated walkover habitat and species surveys. The results reveal that there have been no significant material changes to the site habitats since previously surveyed. As previously identified, there are no statutory or non-statutory designated sites located within or immediately adjacent to the application site. As such, it is considered that the proposed development is unlikely to have any significant impacts upon these sites.
- 6.34 The updated assessment highlights that the most notable change at the application site since 2017 is the clearance of the development footprint, which now comprises cleared bare ground. However, given that this area previously primarily comprised hardstanding and disturbed ground, it is judged that this is of negligible ecological significance. All other habitats outside of the development footprint have been fully retained. The updated assessment notes that all appropriate and proportionate mitigation as set out within the previously approved Ecological Assessment (2017) and EMMP (2019) has been undertaken. This includes the erection of a new bat barn on site, as well as a number of new bat boxes.
- 6.35 The Council's Ecology Consultant has reviewed the submitted Ecological Assessment Update Report as well as the previously submitted Ecological Assessment (Sept 2017) and Ecological Mitigation and Enhancement Plan (June 2019). The Ecologist has confirmed that no objection is raised to the proposal subject to the following conditions: (1) Action in accordance with Ecological Assessment and EMMP, (2) Submission of a Biodiversity Enhancement Strategy, (3) Submission of a Wildlife Sensitive Lighting Design Scheme. These conditions are considered to be reasonable and necessary, and their imposition alongside an approval is recommended by Officers to ensure the site is developed in accordance with biodiversity protection and enhancement provisions as set out in the NPPF (paragraphs 174 and 180), and Policy 31 of the HDPF.
- 6.36 The Council has recently published a new Planning Advice Note on 'Biodiversity and Green Infrastructure' (Oct 2022). The PAN is interim guidance for applicants on how biodiversity matters should be taken into account following the enactment of the Environment Act 2021 before all necessary secondary legislation is in place in respect of the emerging statutory requirement for 10% biodiversity net gain in all new developments. Given the advanced stage of this application and the recent publication of the PAN, it is not deemed reasonable to ask the applicants in this case to provide an upfront biodiversity gain calculation using the Biodiversity Metric as advised in the document. As described above, a condition to secure the submission of a Biodiversity Enhancement Strategy has been drafted (see Condition 13), and it is more reasonable to expect the applicant to provide the necessary information at conditions discharge stage rather than prior to a decision being made.
- 6.37 In summary, as per the previous approval, the proposal is able to offer significant ecological enhancement by way of the creation of three ponds within the Wildlife Enhancement Area, significant new woodland planting around the site boundaries, the provision of bird and bat boxes, and meadow grassland. It is considered that the proposal would suitably mitigate its impact on the ecology of the site whilst providing enhancements both within and immediately adjacent to the site. The proposal is therefore considered to accord with the requirements of HDPF Policy 31, and paragraphs 174 and 180 of the NPPF.



## Water Neutrality

- 6.38 The issue of water neutrality has become apparent since the previous application was approved in 2019. By way of background, in September 2021, Natural England released a Position Statement which advised all local authorities within the Sussex North Water Supply Zone that it cannot be concluded that existing water abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites near Pulborough. The Position Statement advises the affected local authorities that developments within the Sussex North Supply Zone must not therefore add to this impact, and to achieve this, all proposals must demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.
- 6.39 In assessing the impact of development on protected habitat sites such as those in the Arun Valley, decision makers must, as the competent authority for determining impact on such sites, ensure full compliance with the Conservation of Habitats and Species Regulations 2017 (known as the Habitat Regulations). The Regulations require that a Habitats Regulations Assessment (HRA) be carried out to determine if a plan or project may affect the protected features of a habitats site, before the grant of any planning permission. Section 70(3) of the Regulations requires that planning permission must not be granted unless the competent authority (Horsham District Council) is satisfied that the proposed development will not adversely affect the integrity of the affected habitats site. Section 63 of the Regulations sets out the process by which an HRA must take place.
- 6.40 The requirements of Section 70(3) are reflected in paragraph 180 of the NPPF, which states that *'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'*.
- 6.41 The application site falls within the Sussex North Water Supply Zone which draws its water supply from groundwater abstraction at Hardham (near Pulborough), adjacent to the Arun Valley sites. The water abstraction issues raised by the Natural England Position Statement are therefore material planning considerations relevant to the proposal. Given the requirements of the Habitat Regulations and paragraph 180 of the NPPF, adverse impact on the integrity of the Arun Valley sites must be given great weight in decision making.
- 6.42 In order to demonstrate that no adverse impact will occur at the Arun Valley sites, all new development within the supply zone that is likely to increase water consumption (such as new employment floorspace) must demonstrate water neutrality, i.e., that water consumption from the site when occupied will not increase water abstraction in the Arun Valley. Until a wider offsetting strategy is developed to address this issue (which is not expected to be in place until later this year and is initially only likely to apply to sites allocated in the Council's next local plan), all new development must demonstrate that it can be water neutral in its own right.
- 6.43 A Stage 1 HRA screening assessment was undertaken in order to assess whether (without mitigation) the proposed development would have a Likely Significant Effect on the Arun Valley sites, and whether the proposal needs to proceed to Stage 2 Appropriate Assessment. Given the proposed development will increase the demand for mains water usage, it is likely to result an identifiable impact on the Arun Valley SAC/SPA/Ramsar sites. As such, the HRA screening concluded that without mitigation, the proposed development will have a Likely Significant Effect on the designated features of the Arun Valley SAC/SPA/Ramsar, and as such, the assessment was required to proceed to HRA Stage 2: Appropriate Assessment to ascertain whether any mitigation proposed can enable the proposal to be authorised.
- 6.44 In support of the Appropriate Assessment (AA), the applicant has submitted a Water Neutrality Statement (Revision 09, November 2022) which proposes to neutralise predicted

water consumption by installing water saving appliances (including low flow wash hand basins, low flow taps, waterless urinals and low flow shower heads), as well as the implementation of an on-site rainwater harvesting system to collect water from roofs to be recycled for use in the buildings.

- 6.45 A full assessment of the applicant's water neutrality proposal can be found in the Council's HRA Appropriate Assessment, but a summary of the water neutrality calculations for this proposal is as follows:
- Baseline water usage = **0**
  - Proposed water consumption = **28,611** litres / day
  - Rainwater yield = **43,963** litres / day
  - Yield exceeds proposed consumption, demonstrating the site can be water neutral
- 6.46 The applicant's Water Neutrality Statement shows that through the implementation of a rainwater harvesting system on site, it is reasonable to assume that 43,963 litres of rainwater per day can be collected from proposed commercial buildings. Four below-ground storage tanks (with capacity for 35 days' worth of rainwater) are shown to cover periods of drought, and a treatment regime has been proposed to enable the water to be suitable for potable consumption. Based on a worse-case scenario of predicted employee numbers (748), the predicted water usage for the proposal is 28,611 l/day.
- 6.47 The exercise has shown that the surplus water that would result (around 24,500 l/day), coupled with the use of a worse-case scenario for predicted employee numbers, and a cautious approach in the calculation of rainwater yield (i.e. applying reductions for fluctuations and losses); gives further credibility to the proposed scheme, in the context of the precautionary principle. The proposal shows the site is able to store enough water to cover drought periods, and to treat water to drinking standard. A number of detailed planning conditions have been drafted to ensure the proposed water saving appliances are installed on site, and that the rainwater harvesting system is implemented and operational prior to first use of the buildings (see Conditions 14 and 15).
- 6.48 An Appropriate Assessment (AA) has been completed by the Council on the basis of the applicant's proposed mitigation measures. The AA concludes that subject to conditions, the project will not have an Adverse Effect on the Integrity of the Arun Valley SAC/ SPA /Ramsar site, either alone or in combination with other plan and projects. As per the requirements of s63 of the Habitat Regulations, the Council has consulted Natural England as the relevant statutory body. Having considered the Council's Appropriate Assessment and the measures proposed by the applicant to mitigate for any adverse effects, Natural England has confirmed that subject to all mitigation measures being appropriately secured, the conclusions of the Council's Appropriate Assessment are agreed with.
- 6.49 In summary, the HRA exercise undertaken by the Council (as the competent authority) has demonstrated that the water saving mitigation proposed by the application (in the form of on-site water saving appliances and rainwater harvesting), provides sufficient certainty that the water consumption associated with the proposed commercial development would not result in adverse impact on the integrity of the Arun Valley habitat sites (subject to conditions). On this basis, the development complies with s.70 of the Conservation of Habitats and Species Regulations 2017 as well as with Policy 31 of the HDPF and paragraph 180 of the NPPF, and the application can be determined positively.

#### **Other Matters:**

##### *Drainage and Flood Risk*

- 6.50 The site falls almost entirely within Flood Zone 1, with the river valley immediately adjacent to the west designated as Flood Zone 2 and 3 associated with the nearby River North. The application is accompanied by an updated Flood Risk Assessment which confirms that the

site is at low risk from all sources of flooding. The drainage proposal are the same as previously proposed and accepted by the Council under DC/17/2131. It is proposed that surface water run-off from the development will directed into the nearby River North and flows rates will be restricted to the calculated Greenfield Rate of 5.1 l/s. Attenuation will be provided by on site underground storage systems.

- 6.51 The Council's Drainage Engineer has reviewed the proposed FRA and Drainage Strategy and has confirmed that no objection is raised (subject to suitable drainage conditions). No objection has been received from WSCC Flood Team, nor from Southern Water. Similarly, the Environment Agency has raised no objection to the proposal for development of this previous landfill site. As such, in order to ensure the site can appropriately manage surface and foul water run-off without resulting in an increase in flood risk elsewhere, Officers are of the view that the same drainage conditions as imposed under DC/17/2131 should be re-imposed again. Such conditions have been drafted at the end of this report (see Conditions 7 and 19).

#### *Contaminated Land*

- 6.52 The application is supported by the same Geo Environmental Risk Assessment Report (Aviron Associates Ltd, dated May 2016) as submitted in support of the previously approved application. In addition, the applicant has also submitted a 'Discovery Method Statement and Verification Plan' (Rev A, Ref 16-202.04), and a 'Soil Verification Report' (Rev C, 16-202.05).
- 6.52 In September 2020 (under DISC/20/0152), approval of details required by land-contamination Condition 10 (parts a, b and c) was granted pursuant to the previous approval (DC/17/2131). In support of the approval of these details, a Phase II Geo-Environmental Risk Assessment Report was submitted. This Phase II Report has not been submitted with the current application. As such, it is considered necessary to re-impose the land contamination condition to ensure the any previously unidentified contamination can be properly identified and remediated. With regard to the site being on the grounds of a former landfill, as before, the Council's Environmental Health Team raise no in principle objection to the development, subject to a standard condition seeking further investigations and remediation works where necessary. As such, the re-imposition of the previous land contamination condition is considered to be reasonable and necessary and has been drafted at the end of this report (see Condition 10).

#### *Minerals Safeguarding*

- 6.53 The submitted Minerals Assessment concludes that owing to the previous excavations for Horsham Stone at the site and its subsequent use as landfill, the site area appears to be devoid of any significant mineral resources of Horsham Stone. The testing did not explore a depth would reveal any meaningful deposits of Weald Clay. WSCC Minerals Resource Team has reviewed the assessment and conclude that whilst the development would sterilise any mineral resource remaining on the site, the lack of Horsham Stone and relative abundance of Weald Clay within the County, leads to the conclusion that no objection is raised to the proposed development.

#### *Air Quality*

- 6.54 An Air Quality Assessment has been submitted in support of the proposed development. The site is not located within an Air Quality Management Area (AQMA), but given the commercial nature of the development, and its scale, the Air Quality Management Plan has been undertaken to understand the extent of mitigation required. The assessment concludes that dust emissions during the construction phase would be one of the main impacts arising from the development. Mitigation (including dust suppression methods) is proposed to be included in the submission of a construction management plan, to be secured by condition.

- 6.55 The quantum of traffic that would serve the site is likely to be the main cause of air quality impact during the operational phase. Whilst data has shown that the predicted traffic movements associated with the development would have a negligible impact on the air quality of nearby roads, a damage cost calculation of £157,499 has been calculated which represents the total amount that should be spent on offsetting emissions from the site. The damage cost calculation of £157,499 is not proposed to be secured as a monetary contribution in the s106 legal agreement, but rather, mitigation is proposed to be secured through the submission of an Air Quality Mitigation Plan which would be required to set out emissions reduction proposals for each phase. It is proposed that EV charging points (20% upfront provision of fast chargers, with ducting for the remaining spaces) will be provided across the site to enable and encourage staff to choose to use lower-emission vehicles. In addition, a Framework Travel Plan has been prepared which seeks to encourage the use of more sustainable modes of transport, including using the proposed shuttle bus service (to be secured in a s106 agreement), discounted bus fares for the first 5 years, and promotion of car sharing. Notwithstanding these measures, it would be expected that the Air Quality Mitigation Plan will propose additional emissions reducing measures which will help to reduce the impact the development will have on local air quality. Additional measures will be proposed by the applicant for approval by the Council; and could include such measures as upgrades to the EV charging points from fast chargers to rapid chargers, installation of low-emission boilers and/or air-source heat pumps, additional landscaping, and upgrades to the proposed staff shuttle bus service to enable links from more pick-up and drop-off points (such as Billingshurst Railway Station).
- 6.56 Subject to a condition to secure a detailed Air Quality Mitigation Plan which proposes effective and costed mitigation measures (equivalent to the total damage cost calculation of £157,499) to reduce the impact of emissions from traffic (see Condition 16), the proposal is considered to accord with the requirements of HDPF Policy 24.

*Climate Change, Energy, Sustainability*

- 6.57 Policies 35, 36 and 37 of the HDPF 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 applicant has submitted an Energy Statement which details several measures which seek to build resilience to climate change and reduce carbon emissions, including:
- Use of energy efficient fittings
  - Constructed with an efficient building envelope to reduce energy demand
  - Potential use of rooflights to increase natural light
  - Potential use of low carbon technology (i.e. heat pumps)
  - Measures to reduce flood risk
  - Measures to increase sustainable transport options
  - Enhanced planting areas to encourage biodiversity
  - Integration of SUDS and green infrastructure to manage flood risk
  - Use of low-flow taps and fittings to reduce water use to around 28 litres person/day
  - Installation of a rainwater harvesting system to ensure water neutrality
  - Provision of EV charging points (and ducting for future connection)
  - Provision of dedicated cycle parking facilities
  - Improved pedestrian links to existing networks
  - Use of locally sourced materials and suppliers

Subject to the implementation of these measures (either within the design of the site at Reserved Matters stage, or secured by condition); the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

### *PROW Improvements:*

- 6.58 As per the previous application (DC/17/2131), the WSCC Public Rights of Way officer has raised no objection to the proposed development, but has requested a contribution of £75k to be secured in order to undertake improvement works to improve non-motorised access to the site. The contribution of £75k is sought in respect of approximately 1.5 km of surface / structural improvements to BW1443 and BW1434/1. As before, Officers are of the view that given the location of the development it is not considered that improvements to these footpaths would achievably promote commuters walking or cycling to the site, with any upgrade being of little/no benefit to the sustainability of this employment land proposal. Consequently, it remains the view that the request from WSCC for contributions fails to meet the NPPF tests of an obligation, namely to be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

### *5-Year Timeframe*

- 6.59 The applicant has requested that permission be granted with a five-year timeframe for commencement rather than the standard three years. This request was also made for the previous application (DC/17/2131) and continues to be sought by the applicant to enable greater flexibility in preparing the Reserved Matters applications based on (as yet unknown) occupier requirements. Under DC/172131, this request was denied, because at the time, the proposal was a departure from policy and it was considered that part of the justification for its approval was to enable the short-term delivery of commercial floorspace to help to meet the District's identified shortfall. Since the previous approval in 2019, commercial development on this site has been included in the Council's list of commercial 'commitments' to meet needs to 2038. As such, whilst the Council would like to see development come forward on this site as soon as possible, it is acknowledged that the commercial climate has become more volatile in recent years, and this coupled with the expectation that this site will contribute to meeting identified needs in the short to medium terms (i.e. up to 2038); leads to the view that it is reasonable to allow a slightly longer timeframe for the applicant to submit all Reserved Matters applications (and therefore, to commence on site).
- 6.60 It is proposed therefore, that conditions will require the applicant to submit the first Reserved Matter application (for a commercial unit) within the usual 3-year timeframe, and all remaining Reserved Matters to be submitted within an extended 5-year timeframe. This condition will follow with a requirement for development to commence on site within 2-years of the approval of the last Reserved Matters. This would effectively give the applicant a maximum of 7 years before any development must commence on site. This is considered to be sufficient time for the applicant to secure occupiers, and to design the site layout to suit their requirements. The timeframe also ensures that the full extent of commercial floorspace will be delivered within the Council's short to medium term expectations.

### *Legal Agreement*

- 6.61 In the event permission is granted, and as outlined above, a s106 Legal Agreement would be required to secure the following Heads of Terms:
- The delivery of a shuttle bus service in accordance with the pricing mechanisms, service management and time scales set out in the Transport Assessment.
  - A 25-year landscape management and maintenance plan.

### *Parish Council Objection*

- 6.62 It is acknowledged that Slinfold Parish Council has raised a strong objection to the proposal on the basis that the applicant is seeking 24hr operation. As described in this Report, Officers share the Parish Council's concerns about the impact 24hr external activity on this site would cause. As described in the 'Neighbouring Amenity' section of this Report, given the existing

tranquil noise environment and dark rural character; it is agreed that 24hr external activity and lighting on the site is not appropriate, and conditions have been drafted to prevent external activity on site after 11pm (in Zone 1) and after 8pm (in Zones 2 and 3). Internal overnight activity in Zone 1 with doors and windows closed would still be allowed, as per the previously approved scheme. By imposing these conditions (which are the same conditions imposed on the previously approved application), Officers are of the view that the Parish Council's concerns in this regard have been suitably addressed.

#### *Permitted Development Rights*

- 6.63 In order to maintain suitable control over the extent of development on this site, it is the view of Officers that permitted development rights (as outline in the General Permitted Development Order) should be removed where they allow for extensions to industrial or warehouse buildings, or where they allow for the laying of hardstanding to these types of buildings. As such, conditions have been drafted to remove Permitted Development Rights as outlined in Class H and J of Part 7 of the General Permitted Development Order. In addition, it is deemed appropriate for a condition to be included to prevent any change of use of the units, as ordinarily allowed under Permitted Development Rights. These conditions have been drafted at the end of this report.

#### **Planning Balance and Conclusion**

- 6.64 The application site is located outside any defined settlement boundary and is not allocated in the adopted local plan (the HDPF) or within the Slinfold Neighbourhood Plan. As such, it is acknowledged that the proposed development is contrary to HDPF Policies 1, 2, 4 and 26, and the grant of planning permission would therefore represent a departure from the development plan. The 3-year timeframe on the original Outline permission granted in February 2019 (DC/17/2131) has now expired. However, this previous approval which comprised the same type and quantum of development as that current proposed, is considered to carry significant weight in favour of justifying a departure from policy.
- 6.65 The previously approved Nowhurst site is included in the Council's list of 'committed' employment sites which are relied upon to address an identified shortfall in employment floor space across the district. This is another important material consideration which weighs in favour of justifying a departure from policy. As a whole, it is considered that there are material planning considerations that are sufficiently compelling to justify a departure from the HDPF development strategy, and this establishes the principle of development on the site as being acceptable.
- 6.66 A per the previously approved scheme (DC/17/2131), this report has established that (subject to conditions and a legal agreement) key matters including impact on highways, landscape, ecology, heritage, drainage, air quality, land contamination and sustainably/climate change are judged to be acceptable. The proposal does not differ significantly from the scheme approved by the Council in 2019, and includes the same extent of mitigation (including landscape buffering, and building height limitations) as agreed before. The scheme has is also shown to be water neutral, as agreed by Natural England.
- 6.67 A key difference between this scheme and the previously approved scheme is the applicant's proposal to allow 24 hour internal and external activity in Zone 1. Officers are of the view that this would not be acceptable in this rural location, therefore condition have been drafted to control this as per the 2019 approval.
- 6.68 Officers are therefore recommending to Committee that the subject to the conditions listed below, and the completion of a s106 legal agreement (to secure the shuttle bus service and a landscape management plan as before) the Outline application for up to 26,942 sqm employment floorspace, on this site should be granted planning approval.

## 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. **This development constitutes CIL liable development.** In the case of outline applications, the CIL charge will be calculated at the relevant reserved matters stage.

### **7. RECOMMENDATIONS**

- 7.1 To approve full planning permission subject to the conditions listed below and the completion of a Section 106 Legal Agreement.
- 7.2 In the event that the legal agreement is not completed within three months of the decision of this Committee, the Director of Place be authorised to refuse permission on the grounds of failure to secure the obligations necessary to make the development acceptable in planning terms.

#### Conditions

##### **1. Plans List**

##### **2. Regulatory (Time) Condition:**

- (a) Approval of the details of the layout of the development, the scale of each building, the appearance of each building, and the landscaping of the development (hereinafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
- (b) Plans and particulars of the Reserved Matters referred to in part (a) above, relating to the layout of the development, the scale of each building, the appearance of each building, and the landscaping of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
- (c) Application for approval of the first Reserved Matters application (which must comprise at least one commercial unit), shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.
- (d) Application for approval of all remaining Reserved Matters applications shall be made to the Local Planning Authority before the expiration of 5 years from the date of this permission.
- e) The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved, whichever is the later.

*Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.*

3. **Regulatory Condition:** The submission of Reserved Matters applications pursuant to this Outline application shall demonstrate general compliance with the following Parameter Plans submitted as part of the Outline application to fix the development principles:

- Site Location Plan (Drawing No. 30853-PL-200)
- Parameters Plan (Drawing No. 30853-PL-204)
- Parameters Plan (Additional Landscape Detail)

*Reason: To enable the Local Planning Authority to control the development in detail in accordance with the NPPF*

4. **Pre-Commencement Condition:** No development, other than works of demolition, shall commence until a Phasing Plan to cover the whole site has been submitted to and approved, in writing, by the Local Planning Authority. The Phasing Plan shall identify the separate parcels of the site that will be brought forward and include details for the phasing and implementation of the boundary planting around the perimeter of the site, with the intention that this planting is to be brought forward at the earliest reasonable opportunity within the agreed development phase. The details approved on the Phasing Plan shall determine how the development parcels and their relevant reserved matters are brought forward. The development must be constructed in accordance with the approved Phasing Plan, unless the Local Planning Authority gives written consent to any variation.

*Reason: To enable the Local Planning Authority to control the development in detail to ensure a satisfactory development that is sympathetic to the landscape character and built form of the surroundings and preserves and enhances the ecological interests of the site, and in the interests of visual amenity in accordance with Policies 31 & 33 of the Horsham District Planning Framework (2015) and to ensure compliance with the NPPF.*

5. **Pre-Commencement Condition:** Notwithstanding the details shown on the Plateau Site Contours Plan [reference 18-138D / 605, P1], no site levelling works shall take place for each phase until full details of the final land levels to be provided for that phase in relation to nearby datum points have been submitted to and approved by the Local Planning Authority in writing. The details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The site levelling works shall be completed in accordance with the approved details prior to the commencement of development of any building on the site.

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

6. **Pre-Commencement Condition:** No development, other than works of demolition and site levelling, shall commence on any phase until precise details of the finished floor levels of the development in that phase in relation to nearby datum points shall have been submitted to and approved by the Local Planning Authority in writing. The development within that phase shall be completed in accordance with the approved details.

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

7. **Pre-Commencement Condition:** No development, other than works of demolition and site levelling of that phase, shall commence until finalised detailed surface water drainage designs and calculations for that phase, based on sustainable drainage principles, have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should reflect the submitted site-wide drainage strategy and clearly demonstrate that the surface water runoff generated up to and including the 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event. Development of the relevant Phase shall not commence until full details of the maintenance and management of the SuDS system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The Phase shall subsequently be implemented and thereafter maintained in accordance with the approved designs.



*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 & 38 of the Horsham District Planning Framework (2015).*

8. **Pre-Commencement Condition:** No development shall commence on any phase, including the site levelling works, demolition works, 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 hedgerows, trees and vegetation on the site shown for retention, as well as those off-site whose root protection areas ingress into the site, shall be fully protected 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 retention of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

9. **Pre-Commencement Condition:** Notwithstanding the details included within the submitted Construction Phase Plan, no development on any phase, including any works of demolition and site levelling, shall commence until a Construction Environment Management Plan (CEMP) for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The approved CEMP shall be a single document and shall be strictly adhered to throughout the construction period for each phase. The CEMP shall provide for, but not be limited to:
- i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
  - ii. A description of management responsibilities;
  - iii. A description of the construction programme which identifies activities likely to cause high levels of noise or dust;
  - iv. Site working hours and a named person for residents to contact;
  - v. Detailed Site logistics arrangements, shown on a plan;
  - vi. Details regarding parking, deliveries, and storage;
  - vii. The anticipated number, frequency and types of vehicles used during construction
  - viii. Details of construction traffic routing, shown on a plan;
  - ix. Details of any floodlighting, including location, height, type, timing and direction of light sources and intensity of illumination
  - x. Details regarding dust and noise (including vibration) mitigation measures to be deployed including identification of sensitive receptors and ongoing monitoring;
  - xi. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;
  - xii. Communication procedures with the LBL and local community regarding key construction issues - newsletters, fliers etc.
  - xiii. Locations and details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - xiv. The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders that may be required),
  - xv. Details of a scheme for the recycling/disposing of waste resulting from site clearance and construction works

*Reason: As this matter is fundamental in the interests of good site management, highway safety, and to protect the amenities of adjacent businesses and residents during construction works to accord with Policies 33 & 40 of the Horsham District Planning Framework (2015).*

10. **Pre-Commencement Condition:** Notwithstanding the detail submitted, no development on any phase, including any works of demolition or site levelling, shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site as a whole have been 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) The intrusive site investigation results following (b) and, based on these, a detailed method statement, giving full details of the remediation measures required and how they are to be undertaken.

(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 hereby permitted is to be carried out in accordance with the approved details. Any changes to these components require the express written 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).*

11. **Pre-Commencement Condition:** No development on any phase, other than works of demolition and site levelling, shall commence until full details of the soft boundary landscaping works have been submitted to and approved, in writing, by the Local Planning Authority. The submitted details shall include:

- i. Details of all buffer planting including species, numbers and planting size of all trees and plants, and timetable for their delivery;
- ii. Provision for bat and bird boxes to accord with the recommendations set out at paragraphs 5.3.16 and 5.3.26 of the Ecological Assessment (Ecological Solutions dated September 2017);
- iii. Details of all boundary treatments including any security fencing and gates to include the retention and maintenance thereafter of the existing acoustic fence alongside the side and rear boundaries of 'Quarries' with Zones 2 & 3.

The approved landscape scheme shall be implemented in accordance with the approved details and the phasing plan submitted under condition 4. All planting identified within the 'early planting zone' on Parameters Plan [30853-PL-204] shall be carried out no later than the first planting season following the completion of the site levelling works approved under condition 5. All perimeter planting within Zone 1 shall be carried out no later than the first planting season following the commencement of above ground works within Zone 1, or within the first planting season following first occupation of any unit within Zones 2 or 3, whichever is the sooner. All other perimeter planting to be carried out in accordance with the agreed phasing plan.

Any plants, which within a period of 5 years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

*Reason: As this matter is fundamental to ensure a satisfactory development that is sympathetic to the landscape character and form of the surroundings and preserves and enhances the ecological interests of the site, and in the interests of visual amenity in accordance with Policies 31 & 33 of the Horsham District Planning Framework (2015).*

12. **Pre-Commencement (slab level) Condition:** No development above ground floor slab level within any phase of the development hereby permitted shall take place until full details of the hard and soft landscaping works for that phase have been submitted to and approved, in writing, by the Local Planning Authority. The submitted details shall include:
- i. Details of all hard surfacing materials and layouts
  - ii. Details of all planting including species, numbers and planting size of all trees and plants
  - iii. A detailed lighting scheme for all external areas to accord with the recommendations set out at paragraphs 5.3.18 of the Ecological Assessment (Ecological Solutions dated September 2017) and to accord with the Institute of Lighting Professional's Guidance notes for the reduction of obstructive light. The lighting scheme must be designed by a suitably qualified person in accordance with the recommendations for environmental zone E1 in the ILP document "Guidance Notes for the Reduction of Obtrusive Light GN01:2011.
  - iv. Details of any cctv provision
  - v. Details of all boundary treatments including any security fencing

The approved landscape and lighting scheme shall be fully implemented in accordance with the approved details. All planting shall be carried out no later than the first planting season following the first occupation of any part of the phase. Any plants, which within a period of 5 years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

*Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings and preserves and enhances the ecological interests of the site, and in the interests of visual amenity in accordance with Policies 31 & 33 of the Horsham District Planning Framework (2015).*

13. **Pre-Commencement (slab level) Condition:** No development above ground floor slab level within any phase of the development hereby permitted shall take place until a phase-wide Biodiversity Enhancement Strategy for Protected and Priority species has been submitted to and approved in writing by the Local Planning Authority. The Biodiversity Enhancement Strategy shall accord with the recommendations made in the submitted Ecological Assessment - Update (Ecology Solutions, September 2021), the Ecological Assessment (Ecology Solutions, September 2017) and the Ecological Mitigation & Maintenance Plan (v003, Drummond Ecology, June 2019). The Strategy shall include (but not be limited to) the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) details of external lighting, including identification of features on site that are particularly sensitive for bats, provision of lighting contour plans, Isolux drawings and technical specifications;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term management and maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

*Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).*

**14. Pre-commencement (slab level) Condition:** No development above ground floor slab level within any phase of the development hereby permitted shall take place until a management and maintenance plan for the rainwater harvesting system has been submitted to and approved in writing by the Local Planning Authority. The management and maintenance plan shall include the following details:

- The sampling regime and parameters etc, recognising that the sampling will need to be undertaken by a DWI certified sampler and analysed by a UKAS accredited lab.
- Detail on how any failure of any samples will be investigated and managed.
- Details, including a plan or schematic, showing the supply – storage tanks, treatment etc, and means to record the total water consumption of each unit.
- Detail on the type of treatment that will be installed on the supply, with information clearly indicating that it is appropriate for the amount of water being used.
- Detail on how the treatment system, pipework, tanks etc will be cleaned and maintained and who will maintain them for the lifetime of the development. This should include any re-activation of the system after it has been out of use due to lack of rainfall/use.
- The completion and sharing of the Regulation 6 risk assessment by a suitably competent person (as required by the Private Water Supply (England) Regulations 2016) prior to the water supply being put into use.
- Detail on the continuity of supply during dry periods extending beyond 35 days.
- Arrangements for keeping written records of all sampling, results of analysis, inspection, cleaning, and maintenance.
- Details of contingency plans to ensure any failure's or reported concerns with the supply are investigated and rectified as soon as possible, including timeframes. This should include notification of the investigation and corrective actions to the local authority.
- The management and maintenance plan shall be operated in full at all times. No alterations or revisions to the approved management plan shall be implemented without the written approval of the Local Planning Authority.

*Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).*

**15. Pre-Occupation Condition:** The development hereby permitted shall be undertaken in full accordance with the Water Neutrality Statement (CSA, M374/19, Rev 09, dated 28 November 2022). No unit hereby permitted shall be first occupied until evidence has been

submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that unit has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, evidence they meet the required water consumption flow rates, and evidence of the installation and connection of the rainwater harvesting system and appropriate storage tanks to provide a minimum 35 days of storage capacity. The installed measures shall be retained and operated as such, at all times thereafter.

*Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).*

16. **Pre-Occupation Condition:** Prior to the first occupation or use of any phase of the development hereby permitted, a scheme of air quality mitigation for the relevant phase shall have been submitted to and been approved in writing by the Local Planning Authority. The details shall have regard to the submitted Air Quality Assessment [AQ051880, V4], the Council's latest Air Quality & Emissions Reduction Guidance document, as well as West Sussex County Council's latest 'Guidance on Parking at New Developments'. The approved scheme shall be installed prior to first occupation of the development and shall thereafter remain as such.

*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).*

17. **Pre-Occupation Condition:** Prior to the first occupation or use of any phase of the development hereby permitted, a Noise Management Plan for the relevant phase or unit shall have been submitted to and approved in writing by the Local Planning Authority. The Plan shall include, but not be limited to:
- provision for a single point of contact for all complaints,
  - 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,
  - Details on the construction specification of each unit to minimise noise escape, including details of all surfacing.

The noise management plan shall be regularly reviewed to ensure that it takes account of current operational practices at the site. The relevant units shall operate at all times in accordance with the approved details.

*Reason: To safeguard the tranquillity of the countryside and amenities of adjacent occupiers in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015).*

18. **Pre-Occupation Condition:** Prior to the first occupation or use of any phase of the development hereby permitted, a Travel Plan for that phase shall have been submitted to and approved in writing by the Local Planning Authority. 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, and shall include details to mitigate impacts on air quality as set out in the Council's latest Air Quality & Emissions Reduction Guidance document, as well as West Sussex County Council's 'Guidance on Parking at New Developments' (May 2019), and shall be implemented in accordance with

the approved details. The applicant shall use all reasonable endeavours to work with other businesses in the immediate area to co-ordinate the measures within the Travel Plan.

*Reason: To encourage and promote sustainable transport and mitigate the impacts of the development on air quality in accordance with Policies 35, 40 & 41 of the Horsham District Planning Framework (2015).*

19. **Pre-Occupation Condition:** Prior to the first occupation or use of any phase of the development hereby permitted, a verification report demonstrating that the SuDS drainage system for that phase has been constructed in accordance with the design details approved under Condition 7, shall have been submitted to and approved in writing by the Local Planning Authority. Each phase of the development shall thereafter be maintained in accordance with the approved report.

*Reason: To ensure a SuDS drainage system has been provided to an acceptable standard to the reduce 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).*

20. **Pre-Occupation Condition:** Prior to the first occupation or use of any phase of development hereby permitted, details of site security arrangements for that phase shall have been submitted to and approved in writing by the Local Planning Authority. The approved security measures shall be implemented prior to first occupation or use of any unit within that phase, in accordance with the approved details, and shall be retained as such thereafter.

*Reason: To ensure the site is appropriately secured to minimise opportunities for anti-social behaviour and crime in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

21. **Pre-Occupation Condition:** Prior to the first occupation or use of any unit within the development hereby permitted, details for the provision of refuse/recycling storage for that unit shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include the size of bins, their location, means of enclosure and the details of the proposed refuse collector. The storage facilities shall be fully constructed, and thereafter be retained for use at all times in accordance with the approved details.

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

22. **Pre-Occupation Condition:** Prior to the first occupation or use of any unit within the development hereby permitted, details of secure and covered cycle parking facilities for the occupants of, and visitors to that unit shall have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking facilities shall be fully constructed, and thereafter be retained for use at all times in accordance with the approved details.

*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).*

23. **Pre-Occupation Condition:** Prior to the first occupation or use of any unit within the development hereby permitted, the car parking spaces necessary to serve that unit shall have been fully constructed and made available for use in accordance with plans and details that have been submitted to and approved in writing by the Local Planning Authority. Parking provision for each unit shall have regard to the parking standards for commercial sites set out in West Sussex County Council's latest Parking Guidance and shall include a scheme for the provision of electrical vehicle charging by way of both fast and rapid charging points.

The car parking spaces for each unit shall be constructed as approved, and thereafter be retained at all times for their designated use.

*Reason: To ensure adequate parking facilities are available to serve the development given the limited sustainable transport options for the site, to ensure no overspill parking into the wider area, and to mitigate the impacts of the development on air quality in accordance with Policies 35, 40 & 41 of the Horsham District Planning Framework.*

24. **Post-Occupation Condition:** Within 3 months of the occupation of each unit, evidence of the water consumption of the unit occupants shall have been submitted to and approved in writing by, the Local Planning Authority, by the unit's landlord or occupants. The evidence shall demonstrate that in combination with all other units sharing the same rainwater harvesting system, there is sufficient water supply from the rainwater harvesting system to cater for the demand of the units with a minimum of 35 days drought storage capacity. In the event the existing rainwater harvesting system fails to cater for the combined water consumption of the units, details of how suitable rainwater supply and storage will be provided shall be submitted to and be approved in writing by the Local Planning Authority alongside the above evidence and shall be installed within 1 month of the date of its approval. Ongoing written evidence shall be made available to council officers upon their reasonable request.

*Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).*

25. **Regulatory Condition:** All works within the development hereby permitted shall be carried out in full accordance with the ecological mitigation and enhancement measures and/or works contained within the Ecological Assessment - Update (Ecology Solutions, September 2021), the Ecological Assessment (Ecology Solutions, September 2017) and the Ecological Mitigation & Maintenance Plan (v003, Drummond Ecology, June 2019).

*Reason: To conserve and enhance protected and priority species in accordance with the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981, s40 of the NERC Act 2006, and Policy 31 of the Horsham District Planning Framework (2015).*

26. **Regulatory Condition:** No external operations or activities, including the operation of plant and machinery, workshop processes, deliveries and dispatches, shall take place within Zone 1 as shown on the Parameters Plan (drawing 30853-PL-204) except between the hours of 0700 to 2300 hours Mondays to Saturdays and 0800 to 1300 hours Sundays and public holidays. All external shutters and doors to the buildings within Zone 1 shall be closed except between these hours.

*Reason: To safeguard the tranquillity of the countryside and amenities of neighbouring properties in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015).*

27. **Regulatory Condition:** No operations or activities, including the operation of plant and machinery, workshop processes, deliveries and dispatches, shall take place within Zones 2 and 3 as shown on the Parameters Plan (drawing 30853-PL-204) except between the following hours:

- Zone 2 - 0700 to 2000 hours Mondays to Saturdays, and at no times on Sundays and public holidays.
- Zone 3 - 0700 to 2000 hours Monday to Friday, 0800 to 1400 on Saturdays and at no times on Sundays and Public Holidays

All external shutters and doors to the buildings within Zones 2 and 3 shall be closed except between these hours.

*Reason: To safeguard the tranquillity of the countryside and amenities of neighbouring properties in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015).*

28. **Regulatory Condition:** No external lighting, other than low level lighting to emergency exits, shall be operated within Zone 1 as shown on the Parameters Plan (drawing 30853-PL-204) between the hours of 2330 to 0630 hours the following day on Mondays to Fridays, between 2330 and 0730 hours the following day on Saturdays, and between 1330 and 0630 hours the following day on Sundays and public holidays.

*Reason: To safeguard the ecology and tranquillity of the countryside and amenities of adjacent occupiers in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015).*

29. **Regulatory Condition:** No external lighting, other than low level lighting to emergency exits, shall be operated within Zones 2 and 3 as shown on the Parameters Plan (drawing 30853-PL-204) between the hours of 2030 to 0630 hours the following day on Mondays to Fridays, between 2030 and 0730 hours the following day on Saturdays, and at no time on Sundays and public holidays.

*Reason: To safeguard the ecology and tranquillity of the countryside and amenities of adjacent occupiers in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015).*

30. **Regulatory Condition:** No building within the development hereby permitted shall have an eaves greater than 10m in height or shall exceed 12m in height overall. Within the Reduced Eaves Height Zone as illustrated on Parameters Plan (drawing 30853-PL-204), the maximum eaves height of building elevations facing Quarries or Nowhurst Lane shall not exceed 6 metres and the overall height of any building falling within this zone shall not exceed 10 metres. Other than any building and any necessary emergency escape routes, no structures or activity shall take place within the Reduced Eaves Height Zone. No external plant is to be located in this Zone without the express permission of the Local Planning Authority.

*Reason: To ensure a satisfactory appearance to the site to safeguard the wider landscape, amenities of adjacent residents and appearance of Nowhurst Lane and the setting of listed buildings in accordance with Policies 24, 25, 26, 32, 33 & 34 of the Horsham District Planning Framework (2015).*

31. **Regulatory Condition:** The total gross internal floorspace for all E(g. iii) and B2 uses within the development hereby permitted shall not exceed 13,471sqm or 50% of the total gross internal floorspace provided within the development as a whole, whichever is the lower.

*Reason: To ensure a sustainable balance of uses across the development and to ensure the traffic generation from the site is sustainable having regard the car park facilities within the wider development to ensure no overspill parking into surrounding roads to accord with Policies 40 & 41 of the Horsham District Planning Framework (2015).*

32. **Regulatory Condition:** No outside storage of waste, materials, machinery or products shall take place at any time.

*Reason: To safeguard the appearance of the site and tranquillity of the countryside and amenities of neighbouring properties in accordance with Policies 24, 25, 26, 32 & 33 of the Horsham District Planning Framework (2015).*



33. **Regulatory Condition:** No operations involving the use of power tools or other noise generating plant, machinery or equipment (with the exception of fork-lift truck movements), shall be undertaken within the development other than within the buildings hereby permitted.

*Reason: To safeguard the tranquillity of the countryside and amenities of neighbouring properties in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015).*

34. **Regulatory Condition:** No externally located plant or equipment shall be installed or operated without Reserved Matters Approval or express planning consent from the Local Planning Authority first being obtained.

*Reason: To safeguard the tranquillity of the countryside and amenities of adjacent residents in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015).*

35. **Regulatory Condition:** Following first occupation of each unit within the development, no mezzanine or additional floor levels shall be constructed within that unit without express planning consent from the Local Planning Authority first being obtained.

*Reason: To ensure the traffic generation from the site is sustainable having regard the car park facilities within the wider development to ensure no overspill parking into surrounding roads to accord with Policies 40 & 41 of the Horsham District Planning Framework (2015).*

36. **Regulatory Condition:** No trees, hedges or shrubs on the site, other than those the Local Planning Authority has agreed to be felled as part of this permission, 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 hereby permitted. Any existing or proposed trees, hedges or shrubs on the site, whether within the tree protective areas or not, which die or become damaged during the construction process shall be replaced with trees, hedging plants or shrubs of a type, size and in positions agreed by the Local Planning Authority.

*Reason: To ensure the retention and maintenance of trees and vegetation on the site unsuitable for permanent protection by Tree Preservation Order for a limited period, in accordance with policy 31 of the Horsham District Planning Framework (2015).*

37. **Regulatory Condition:** No importation of soil and other fill materials onto the development site shall take place unless the soil/fill has been certified as fit for purpose by a competent person and has been subject to analysis by an accredited laboratory to ensure that it is free from contamination.

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

38. **Regulatory Condition:** No part of the development hereby permitted shall be occupied until a fire hydrant(s) to BS 750 standards or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) has been installed, connected to a water supply with appropriate pressure and volume for firefighting, and made ready for use in consultation with the WSCC Fire and Rescue Service. The hydrant(s) or stored water supply shall thereafter be retained as such.

*Reason: In accordance with fire and safety regulations in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

39. **Regulatory Condition:** If contamination, including presence of asbestos containing materials, not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. 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) and Paragraph 174 of the National Planning Policy Framework (2021).*

40. **Regulatory condition:** No unit hereby permitted shall be connected to or draw supply from the mains water supply except for emergency purposes in the event of a temporary failure of the rainwater harvesting system. Where a temporary failure has occurred, the occupiers shall immediately undertake the contingency measures set out in the management and maintenance plan agreed under Condition 14 until such time as the system is fully operational. The occupiers of each unit shall keep an ongoing record of all water taken from the mains supply and hold written evidence to explain why it was necessary as an exceptional measure to take water from the mains supply.

*Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).*

41. **Regulatory Condition:** No part of the site hereby permitted shall be designated, equipped or used as a vehicle washing area without the prior written consent of the Local Planning Authority.

*Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).*

42. **Regulatory Condition:** Piling using penetrative methods shall not be carried out on any part of the development site, without the prior written consent of the Local Planning Authority.

*Reason: In order to avoid any unacceptable risks to groundwater resources, in accordance with Policy 24 of the Horsham District Planning Framework (2015) and Paragraph 174 of the National Planning Policy Framework (2021).*

43. **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order) no development falling within Classes H and J of Part 7 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage(s) of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

*Reason: In the interest of visual amenity to protect the rural character of the area in accordance with Policies 25, 26, 27 & 33 of the Horsham District Planning Framework (2015).*

44. **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) and the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), the premises hereby permitted shall be used for Class E(g)(iii), B2 of B8 use only and for no other purposes whatsoever, (including used for the storage and wholesale sale of goods to/retailers/professional buildings and allied traders/only and for no other purposes falling within Class E other than E(g)(iii) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended), 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: To ensure the development remains in employment use and as the site is not within an area where permission for shopping purposes or town centre uses would normally be granted and to ensure the development remains in appropriate employment use in accordance with Policies 7 & 9 of the Horsham District Planning Framework (2015).*

45. **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) and the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), the premises hereby permitted shall not include trade counters or showroom/retail uses without express planning consent from the Local Planning Authority first being obtained.

*Reason: The site is not within an area where permission for shopping purposes or town centre uses would normally be granted and to ensure the development remains in appropriate employment use in accordance with Policies 7 & 9 of the Horsham District Planning Framework (2015).*

## NOTES TO APPLICANT

### 1. Conditions to be Discharged

Please be advised that there are conditions on this notice that will require the submission of details to be submitted for approval to the Local Planning Authority. To approve these details, you will need to submit an "Application for approval of details reserved by condition" with an application form and pay the appropriate fee. Guidance and the forms can be found at [www.planningportal.gov.uk/planning/applications/paperforms](http://www.planningportal.gov.uk/planning/applications/paperforms)

### 2. Noise Management

The applicant is advised to have regard the good practice detailed within the Transport for London document '*Code of Practice for Quieter Deliveries*' (December 2017) and the Department for Transport Document '*Quiet Deliveries Good Practice Guidance- Key Principles and Processes for Freight Operators*' when preparing the Noise Management Plan required under Condition 17. The Noise Management Plan should also include details of the following:

- Details of a Noise Complaints Register to keep a record of complaints received and actions taken, including where reasonable and necessary modification of the Plan in consultation with the LPA; the LPA to be able to inspect the register at its request,
- Details of arrangements for on-going (being not less than bi-annually) liaison with local residents, parish council and local authority, including to address any problems and/or

complaints which may have arisen and to identify any measures which may be taken to mitigate any such problems,

- Details of arrangements to ensure the Noise Management Plan is reviewed and maintained to ensure its continuing effectiveness when occupiers change the nature of operations or new tenants start operating at the site.

### 3. Wildlife Protection

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

### 4. Ordinary Watercourse Consent

Under the Land Drainage Act 1991, any works (permanent or temporary) that have the potential to affect the existing watercourse or ditch's ability to convey water will require the Ordinary Watercourse Consent. Ordinary watercourses include streams, drains, ditches and passages through which water flows that do not form the network of main rivers. More information is available via this link: <https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/dealing-with-flooding/flood-risk-management/ordinary-watercourse-land-drainage-consent/#>

### 5. Environmental Permit Required

The applicant should note that any waste soils or hardcore imported to the site will require either an environmental permit, or be covered by a waste exemption under the Environmental Permit (England and Wales) Regulations 2016.

### 6. Contaminated Materials

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. Enquiries should be directed to our National Customer Contact Centre on **03708 506 506** (Monday to Friday 8am to 6pm) or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk).

### 7. Groundwater Protection Advice

The Environment Agency would like to refer the Applicant to the EA groundwater position statements in '*The Environment Agency's approach to groundwater protection*', available from gov.uk. This publication sets out the EA position for a wide range of activities and developments, including: Discharge of liquid effluents, Land contamination, and Drainage.

### 8. Pollution Prevention

The Environment Agency advise that all precautions must be taken to avoid discharges and spills to the ground both during and after construction. Guidance on pollution prevention for businesses can be found on the gov.uk website <https://www.gov.uk/guidance/pollution-prevention-for-businesses>. In the event of a pollution incident, all works should cease immediately and the Environment Agency should be contacted via our incident hotline 0800 80 70 60 (24-hour service).

Background Papers:  
DC/21/2873