



**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee (North)

BY: Development Manager

DATE: 6 December 2016

DEVELOPMENT: Variation of condition 1 to previously approved DC/16/0564 Relating to raising the building and changes to fenestration

SITE: Fisher Clinical Services Uk Ltd Langhurst Wood Road Horsham West Sussex

WARD: Holbrook West

APPLICATION: DC/16/2340

APPLICANT: Fisher Clinical Services Ltd

REASON FOR INCLUSION ON THE AGENDA: The application if permitted would represent a departure from the Development Plan as set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015

RECOMMENDATION: To approve the application.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application is made under Section 73 of the Town and Country Planning Act 1990. Under this provision, minor material amendments can be made to extant planning permissions through the variation of the condition which relates to approved plan drawings. Planning permission was granted for the construction of a cold store warehouse for Fisher Clinical Services under DC/16/0564. The current application seeks the following amendment to this permission:

- Increase the finished floor level of the proposed building by 1m through the reduction of excavation works. This would significantly reduce the amount of soil that would need to be removed from the site as a result of the proposal.
- Removal of all windows to south, north and west elevations of the new building and removal of majority of proposed windows to east elevation.

1.3 The principle of the proposed development has already been considered acceptable, by way of granting permission for the scheme under DC/16/0564. As such, only the acceptability of the proposed amendments, the impact of any relevant local or national

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planning policy changes since the last permission, and any other material considerations can be considered when assessing the application.

DESCRIPTION OF THE SITE

- 1.4 The application site relates to Fisher Clinical Services (FCS). FCS Horsham is a company who specialise in the handling of all types of clinical supplies and pharmaceuticals. This includes the cold storage of clinical supplies on site as well as packaging, labelling and distribution. The company occupy a large commercial building which is part of a large industrial site off Langhurstwood Road. The estate was established in the 1970's and FCS took over the site in the early 1990s. The company currently employ 715 people. The site is accessed via Langhurstwood Road, which leads directly to the A264 to the south.
- 1.5 The FCS building is located on the west side of the industrial estate adjacent to a railway line which runs north to south. Brookhurst Wood Landfill site lies to the south of site and separate office buildings are to the east of the FCS building. These buildings are part of the Broadlands Business Campus. The existing site includes approximately 202 parking spaces and there is a goods in and out area for HGVs on the south side of the main building. The building is modern in design, two-storeys high with black metal cladding and a flat roof. The estate includes numerous mature trees which for the most part surround the FCS building. This includes a large area of trees and open space to the north section of the site set at a slightly higher ground level than the car park and main FCS building. None of the existing trees are protected by tree preservation orders.
- 1.6 The FCS site includes a large area of open scrubland to the north of the main building. This area was former landfill and is generally flat. This piece of land is also set at a higher ground level than the main building and is the approved site for the new warehouse building. The scrubland area is approximately 2.3ha in size. A large temporary store is currently placed on this piece of land. The scrubland is adjacent to the northern boundary of the site. The northern boundary includes dense vegetation and trees and slopes down to a stream. This section of the site is a flood risk area (Zone 2). Open fields lie to the north of the site which stretch up from the site from south to north.
- 1.7 The site is within North Horsham Parish and is also adjacent to boundaries with Rusper Parish to the north and Warnham Parish to the west. The site is outside any built-up boundary as defined by the HDPF.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 The National Planning Policy Framework (March 2012), sections 1, 3, 4, 6, 7, 8, 10, 11 and 12.
- 2.3 Planning Practice Guidance (March 2014).

RELEVANT COUNCIL POLICY

- 2.4 The following policies in the HDPF are considered to be relevant:

Policy 1: Strategic Policy: Sustainable Development

Policy 2: Strategic Policy: Strategic Development

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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 35: Strategic Policy: Climate Change
Policy 36: Strategic Policy: Appropriate Energy Use
Policy 37: Sustainable Construction
Policy 38: Strategic Policy: Flooding
Policy 39: Strategic Policy: Infrastructure Provision
Policy 40: Sustainable Transport
Policy 41: Parking

2.5 Local Development Framework: Supplementary Planning Document:

- Planning Obligations (2007)

NEIGHBOURHOOD PLAN

2.6 The site is within the parish of North Horsham. North Horsham is not designated as a Neighbourhood Plan Area.

2.7 PLANNING HISTORY

DC/16/0564	Erection of a new cold storage warehouse	Permitted 20/07/2016
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3. OUTCOME OF CONSULTATIONS

INTERNAL CONSULTATIONS

3.1 **HDC – Landscape Officer:** No objection subject to appropriate measures to mitigate the visual impact of the proposal. It is recommended that, under the landscaping condition, details should be sought to secure instant hedging and additional semi-mature trees to put in place within the proposed landscape buffer. Additional planting should also be provided within the parking entrance.

OUTSIDE AGENCIES

3.2 **Natural England:** No comment.

PUBLIC CONSULTATIONS

3.3 **North Horsham Parish Council:** No objection.

3.4 No representations have been received from any local residents.

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

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

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

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

6. PLANNING ASSESSMENTS

- 6.1 This application for material amendments is assessed against the relevant policies of the HDPF and the national planning policies contained in the National Planning Policy Framework (NPPF).
- 6.2 This application proposes amendments to the extant permission for a cold store warehouse building under DC/16/0564. As such, the only matters for consideration now are the acceptability of the proposed amendments taking into account any changes to national or local planning policy or any other material considerations.

Layout, scale and appearance

- 6.3 The current proposal seeks to amend the finished floor level of the proposed building. The position of the building remains the same as approved. The building would still be located north of the existing Fisher Clinical Services (FCS) building on existing scrubland. The layout of the building and proposed floor space also remains as approved. The building as originally approved would have been set into the existing ground. This lowered the overall height of the building when viewed from the surrounding area and involved extensive excavation works.
- 6.4 It is proposed to reduce the amount of excavation works proposed. This would result in the removal of less earth and the building being set at 1m higher than originally approved. The applicant has stated that this would significantly reduce the amount of soil that would need to be removed from the site as a result of the proposal. The applicant states that their initial calculations have indicated that the approved scheme would result in 32,000 cubic metres of soil to be taken away from the site, at considerable cost. Raising the height of the building by 1m would reduce the amount of soil to be removed by approximately half. This would result in a significant reduction in vehicle movements to and from the site.
- 6.5 Increasing the height of the building by 1m would result in a marginally more prominent building on site. However, there would still be a significant gap between the new warehouse and the existing building and the new cold store warehouse would not be read in the context of the existing building. The proposed building (with the additional height) is also appropriate in the wider context of this commercial site.
- 6.6 To reduce the visual impact of the originally approved building, the proposed warehouse is set back from the northern boundary by approximately 15m. This set back allows substantial landscaping, including new trees, to be placed along the northern boundary on a new land mound. To secure appropriate landscaping for the landscape buffer and the site as a whole, condition 10 of the decision notice requires the approval of a landscaping scheme by the Local Planning Authority prior to any works above slab level.

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- 6.7 The Council's Landscape Officer has commented that the rising of the finished floor level of the building by 1m is not ideal as the resulting building would stand prouder when viewed from some key points identified in the Landscape Visual Impact Assessment. The officer has no objection to the scheme subject to appropriate mitigation to address the additional visual impact. The Landscape Officer has recommended that under the landscaping condition, the details secured should include instant hedging and additional semi-mature trees to put in place within the proposed landscape buffer along the northern boundary. Additional planting should also be provided around the building. With this additional planting, the visual impact of the additional height of the building created by the higher finished floor level would be satisfactorily addressed.
- 6.8 The current scheme also proposes alterations to the fenestration of the new building. As originally approved, the building included windows to all elevations. The current scheme proposes to remove the windows to the north and south, and west elevations and the removal of the majority of proposed windows to the east elevation. The applicant has stated that some of the drugs to be stored within the building are light sensitive. Therefore, the removal of the windows would result in a more productive storage facility and the windows are not required. The scheme would retain a row of windows at second floor level to the east elevation. These windows would allow light to offices within the building. It is appropriate for these windows to be retained to allow a suitable standard of office accommodation.
- 6.9 The removal of the windows would result in a more streamlined building than approved. The building would retain an appropriate appearance as a commercial building and match the existing FCS building, which also has limited windows. The removal of the windows would also allow for a more efficient storage facility for light sensitive drugs.

Other Considerations

- 6.10 Given that the scheme does not alter the layout of the approved scheme, the building (as amended) would not give rise to any concerns in relation to impact on amenity, ecology, highway considerations, drainage or impact on trees. These issues are satisfactorily addressed under the approved scheme.
- 6.11 The original approval was subject to a Section 106 agreement to secure a contribution of £75,000 to be spent on transport infrastructure in the form of a new Toucan crossing on the A264 Horsham Northern Bypass. The current scheme would not affect this obligation. It should be noted that the agreement includes a section which allows Section 73 variations without the requirement for an amendment to the original legal agreement. As such, a deed of variation is not required for this proposal.
- 6.12 Under application DISC/16/0276, the details reserved by conditions 4, 5 and 6 were approved. The wording of conditions 5 and 6 has been amended to reflect the approval of these details. Condition 4 has not been amended as the details required for this condition relate to finished floor levels in relation to nearby datum points. An additional application is required to formally approve the details reserved by this condition which relates to the current proposal.

Conclusion

- 6.13 The proposed amendment to the finished floor level of the building is appropriate subject to additional planting to the northern landscape buffer and around the site. The additional landscaping will mitigate the visual impact of the more prominent building. Details of landscaping are to be agreed through condition 10 of the extant permission, which is repeated below. The removal of the majority of the windows from the building is also considered visually appropriate and would not significantly detract from the appearance of

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this commercial building. The removal of the windows would also facilitate the storage of light sensitive drugs, a significant element of FCS operations.

7. RECOMMENDATIONS

7.1 That planning permission be approved subject to the below conditions.

1. Approved Plan Numbers.

2. The development hereby permitted must be commenced by the 20/07/2019.

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

3. The scheme shall be implemented in strict accordance with the Arboricultural Method Statement dated the 24th February 2016 by PFC Consultancy.

Reason: To ensure the protection of trees and shrubs to be retained on site in accordance with Policy 33 of the Horsham District Planning Framework 2015.

4. No development shall commence until precise details of the finished floor levels of the development in relation to nearby datum points have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

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

5. The proposal shall be implemented in accordance with details of means of foul and surface water drainage and sewerage to serve the development approved under DISC/16/0276. The scheme shall be implemented strictly in accordance with the agreed details and thereafter maintained as such.

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

6. The proposal shall be implemented in accordance with the Ecological Mitigation and Management Plan approved under DISC/16/0276. The approved details shall be implemented in full and in accordance with the agreed timings and details.

Reason: As this matter is fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 25 of the Horsham District Planning Framework 2015.

7. No development shall commence until a Lighting Strategy has been submitted to and approved, in writing, by the Local Planning Authority. The Strategy shall outline measures to reduce impacts on foraging and commuting bats. The approved scheme shall be implemented strictly in accordance with the agreed details and no other forms of external lighting or floodlighting shall at any time be installed within the site.

Reason: As this matter is fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 25 of the Horsham District Planning Framework 2015.

8. No development shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- The anticipated number, frequency and types of vehicles used during construction,
- The method of access and routing of vehicles during construction,
- The parking of vehicles by site operatives and visitors,
- The loading and unloading of plant, materials and waste,

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- The storage of plant and materials used in construction of the development,
- The erection and maintenance of any hoardings,
- 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),
- Details of public engagement both prior to and during construction works,
- Details of the working hours agreed with the Local Planning Authority for the implementation of the development,
- A site waste management plan,
- Details of any temporary utilities required,
- Details of a communication strategy to include the provision of a dedicated phone line for residents to contact the site manager directly with complaints which should be manned at all times while site works are in progress,
- Details of means of suppressing dust during the construction process to include the regime for dust deposition measurement at the site boundaries,
- Details of the measures to mitigate the noise and vibration from construction traffic and activities.

Reason: As this matter is fundamental in the interests of highway safety and ensuring the free flow of traffic on the highway network; to minimise the risk of damage to the highway; to safeguard the amenity of existing and proposed residents; to safeguard existing landscape features in accordance with Policies 33, 37, 38 and 40 of the Horsham District Planning Framework (2015).

9. The development shall be constructed in full accordance with the sustainability measures outlined in the submitted Sustainability and Energy Statement.

Reason: In the interests of sustainability and in accordance with Policy 37 of the Horsham District Planning Framework 2015.

10. No development above ground floor slab level of the development hereby permitted shall take place until details of all hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. All such works as may be approved shall then be fully implemented in the first planting season, following the completion of works hereby permitted and completed strictly in accordance with the approved details. Any plants or species which within a period of 5 years from the time of planting die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: As this matter is fundamental to ensure a satisfactory development and in the interests of amenity in accordance with Policy 33 of the Horsham District Planning Framework 2015.

11. No development above ground floor slab level of the development hereby permitted shall take place until a schedule and details of external walls and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details and thereafter maintained as such.

Reason: As this matter is fundamental to ensure the visual impact of the proposal in accordance with Policies 25, 26 and 33 of the Horsham District Planning Framework 2015.

12. Prior to occupation of the new building hereby permitted, details of the provision for the storage and collection of refuse/recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

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

13. Prior to occupation of the new building, a landscape management plan, including long term design objectives, management responsibility and maintenance schedules for all landscape

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areas, shall be submitted to and approved, in writing, by the Local Planning Authority. The landscape management plan shall be carried out as approved.

Reason: To ensure a satisfactory development and in the interests of amenity and nature conservation in accordance with Policy 33 of the Horsham District Planning Framework 2015.

14. The scheme shall be implemented in accordance with the approved Green Travel Plan from Caneparo Associates for the development. The Travel Plan shall thereafter be fully implemented in accordance with the approved details outlined in the plan.

Reason: To ensure the promotion of safe, active and sustainable forms of travel and comply with Policy 40 of the Horsham District Planning Framework 2015.

15. Within six months of the date of first occupation, the temporary storage on site, as shown on plan no. FD00001/Rev 9, shall be removed from the site and the relative ground areas restored to their former conditions.

Reason: To remove inappropriate structures from the site in accordance with Policy 33 of the Horsham District Planning Framework 2015.

Notes to Applicant

1. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March – 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
2. The applicant is advised to ensure the works comply with Network Rail's guidance on works adjacent to a railway line: <http://www.networkrail.co.uk/asp/1538.aspx>.
3. Please note that Southern Water require a formal application for connection to the water supply in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire (tel: 0330 303 0119) or www.southernwater.co.uk.
4. If during development any visibly contaminated or odorous material not previously identified is found to be present at the site, work on site must cease and further advice sought from Local Planning Authority on contaminated land.
5. Please note that, with the increase in the finished floor level of the building, the landscaping details required by condition 10 will need to include instant hedging and additional semi-mature trees to put in place within the proposed landscape buffer along the northern boundary. Additional planting should also be provided around the building. With this additional planting, the visual impact of the additional height of the building would be satisfactorily addressed.

Background Papers: DC/16/0564, DC/16/2340