DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee (North)

BY: Development Manager

DATE: 5 April 2016

DEVELOPMENT: Proposed extensions to existing B2/B8 buildings with ancillary B1 office and associated car parking

SITE: Griffiths and Neilsen, The Business Park, Maydwell Avenue, Slinfold

WARD: Itchingfield, Slinfold and Warnham

APPLICATION: DC/13/2288

APPLICANT: Griffiths and Nielson Ltd

REASON FOR INCLUSION ON THE AGENDA: Members’ instructions are sought in light of the HDPF adoption

RECOMMENDATION:

a) That planning permission be delegated for approval to the Development Manager subject to appropriate conditions and subject to the satisfactory completion of the necessary Legal Agreement by 5th October 2016.

b) That planning permission be delegated for refusal to the Development Manager should the necessary Legal Agreement not be satisfactorily completed by 5th October 2016.

1. THE PURPOSE OF THIS REPORT

1.1 This is a full planning application that seeks permission for extensions to two industrial buildings occupied by Griffiths and Neilsen within The Business Park, Maydwell Avenue. The proposal would provide 2 separate extensions to the south elevations of the two buildings. The extensions would both be two storeys. The extension to Building 1 would provide an additional 193 square metres of B8 warehouse at ground floor level with ancillary office at first floor. The extension to Building 2 would provide 663 square metres of either B2 or B8 floorspace at ground floor with ancillary office space at first floor level. An additional 20 No. car parking spaces would also be provided to serve both buildings 1 and 2. The car parking spaces are to an existing hardstanding.

1.2 Members resolved at the meeting of 4th March 2014 to approve this application, subject to completion of a Legal Agreement and subject to conditions as set out in the report. The report of the 4th March 2014 agenda is appended here. The application has not yet been determined as the Section 106 Legal Agreement has not been completed.
1.3 Since Members’ resolution to approve the application subject to conditions and completion of a Legal Agreement, the Council has adopted the Horsham District Planning Framework (HDPF).

1.4 The Council has a legal duty to determine all planning applications with regard to the adopted Development Plan for the District. Officers’ previous recommendation and Members’ previous resolution were made on the basis of the now superseded Development Plan comprising the Horsham District Local Development Framework Core Strategy and General Development Control Policies (2007). It is therefore necessary for the Application to be re-assessed in light of the new Policy context and the recently adopted Development Plan.

STATUTORY BACKGROUND

1.5 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

1.6 Government policy is contained within the National Planning Policy Framework and is relevant to the determination of the application. The most relevant sections to this application are 1, 3, 4, 7, 10 and 11. Regard must also be had for the Government’s Planning Practice Guidance.

RELEVANT COUNCIL POLICY

1.7 Horsham District Planning Framework (HDPF 2015)

Policy 1: Strategic Policy: Sustainable Development  
Policy 2: Strategic Policy: Strategic Development  
Policy 3: Development Hierarchy  
Policy 4: Settlement Expansions  
Policy 7: Strategic Policy: Economic Growth  
Policy 9: Employment Development  
Policy 10: Rural Economic Development  
Policy 24: Strategic Policy: Environmental Protection  
Policy 26: Strategic Policy: Countryside Protection  
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 40: Sustainable Transport  
Policy 41: Parking

NEIGHBOURHOOD PLAN

1.8 Slinfold Parish was designated as a Neighbourhood Plan Area from 20th May 2014. Currently, no draft plan has been produced.

2. OUTCOME OF CONSULTATIONS

2.1 **HDC Environmental Health**: No objection. Given the original comments and the subsequent approval of the housing development at the adjacent site, concern is raised regarding deliveries throughout the evening and night-time at the extensions proposed. Therefore the following conditions are recommended:
Submission of a noise management plan for the approval of the Local Planning Authority.

Hours of delivery, dispatch, loading and unloading in the extensions to be restricted to 0600-1930 Monday to Friday, 0800-1300 Saturday and no activities on Sundays and Bank Holidays.

2.2 4 letters of support were originally received in 2013 from local businesses in support of the proposal. Since the committee resolution to grant planning permission in 2014, no further representations have been received from any adjacent properties.

3. PLANNING ASSESSMENT

3.1 The main purpose of this report is to assess whether the adoption of the HDPF results in any changes to the consideration of the proposal and the recommendation. The main consideration is whether the principle of development remains acceptable under the HDPF.

3.2 This proposal is for extensions to an existing business. Economic development is covered by Chapter 5 of the HDPF. Chapter 5 states that ‘there needs to be opportunities for existing businesses to grow and expand and change to meet modern business demands’. Policy 7 (Economic Growth) goes on to say that sustainable employment development in Horsham district for the period up to 2031 will be achieved by the ‘redevelopment, regeneration, intensification and smart growth of existing employment sites.’ Policy 10 (Rural Economic Development) also states that, in a countryside location, development should be contained within the existing boundaries of an established rural industrial estate.

3.3 The proposal is for the expansion of an existing business located within an established industrial estate on the outskirts of Slinfold. In 2014, Members welcomed the expansion of a local business and considered that the proposed extension would support the local economy without having an adverse impact on the surrounding area.

3.4 The existing industrial estate is adjacent to the Built-Up-Area Boundary of Slinfold. As the industrial site is not allocated as a Key Employment Area, the proposal for extension is considered as development in the countryside. In this instance, the proposal is considered appropriate development in a countryside location as the extensions are within the confines of an existing industrial estate and would not detrimentally affect the appearance of the site or the surrounding area. Development within the confines of an existing rural industrial estate is in accordance with the requirement of Policy 10 of the HDPF. Additionally, the expansion of the existing business is encouraged and in line with the general principles of Chapter 5 of the HDPF. The previous resolution to grant permission at the Development Management Committee in 2014 is also a material consideration. It should also be noted that currently there is no Neighbourhood Plan in place for this area, which would also be a material consideration, if adopted.

3.5 Since the Committee resolution, planning permission has been granted for the development of the land to the rear of 1 – 25 Hayes Lane, Slinfold (ref: DC/13/2042), which lies to the east of this application site. This permission has not yet been implemented and is an extant permission which expires in 2017. The permission would result in three houses adjacent the eastern boundary of the industrial estate in close proximity to Griffiths and Neilson.

3.6 In the current proposal for Griffiths and Neilson, Building 1 is approximately 11m from the eastern boundary of the estate. The proposed extension to Building 1 would be to the western side of the building and would not come any further back than the existing rear line of the building. Given the position of the extension to Building 1, the extension would not result in a significant impact on the amenity of the future residents of the three houses approved to the rear of Hayes Lane. Building 2 is set further away from the approved
houses to the east of the industrial estate (approximately 53m). The proposed two-storey extension to this building would project 26.9m from the rear of this building. Given the distance from the approved dwellings to the east, this extension is also considered acceptable and would not result in a significant impact on the amenity of the future residents of the Hayes Lane dwellings.

3.7 It should also be noted that the proposed parking spaces are to an existing hardstanding which can currently be used for parking. It is therefore considered that the proposed parking spaces would not significantly affect the adjacent residential properties in terms of noise disturbance.

3.8 Previously in 2014, the Environmental Health Team commented that the proposal was appropriate in respect of potential noise impact. Given the permission for houses adjacent the site, since the recommendation for approval in 2014, Environmental Health has reconsidered the proposal in light of this change in circumstances. The Environmental Health Team have commented that they are concerned that if deliveries were to occur throughout the evening and night-time at the extensions of Buildings 1 and 2 significant adverse impacts are likely at Cherry Tree Farm Annexe and the closest houses that are part of the committed development of the 23 units off Hayes Lane.

3.9 To address this potential impact, the Environmental Health Team has suggested two conditions to reduce the potential impact on the adjacent dwellings. The first is the submission of a noise management plan which would outline the following:
   • Maximum number of deliveries during night time hours
   • No reversing bleepers to be used in the evening and at night – alternative safety arrangements can be made such as the use of banksmen
   • Use of quieter (electric) forklifts during night time deliveries
   • No tannoy systems to be used in the evening and at night
   • Loading bay doors to be kept shut when not in use
   • No idling of vehicles
   • The installation of noise attenuating barriers

3.10 The second recommended condition would limit hours of deliveries, dispatch, loading and unloading in the extensions of Buildings 1 and 2 to 0600-1930 Monday to Friday and 0800-1300 Saturday with no activities on Sundays and Bank Holidays. Subject to these conditions, the proposal would not result in a significant impact on the amenity of any adjacent properties or the future residents of the approved dwellings to the rear of Hayes Lane.

3.11 In addition to the matter of the principle of development, the HDPF sets out a number of other Policies relating to matters such as good design, sustainable construction, flood risk and highway safety. These Policies are largely in the spirit of the previous Development Plan Policies relating to such matters, and therefore Officers do not recommend any material change to the way in which the detail of the application is assessed.

3.12 Policies 35, 36 and 37 of HDPF introduce new requirements in respect of Climate Change. Policy 36 requires all applications for residential and commercial development to include an Energy Statement demonstrating and quantifying how the development will comply with the Energy Hierarchy of Lean, Clean and Green. No details have been submitted regarding sustainability as this was not a requirement in the previous local plan. Consequently, a condition is recommended requiring the submission of an Energy Statement to outline sustainability measures prior to occupation of the extensions in accordance with the energy hierarchy.

3.13 The conditions recommended by Officers and previously presented to Members included reference to Policies which are now superseded. The recommended conditions, below,
have therefore been revised to take account of the HDPF and the additional conditions as outlined above.

3.14 The proposal is subject to the completion of the necessary S106 legal agreement to secure the transport contribution of £21,013. Given the previous delays in the completion of the S106, a new resolution is proposed imposing a time limit on the completion of the S106. The time limit would allow 6 months for the completion of the S106 from the date of Committee (if resolved to grant approval). If the S106 is not completed by this date, the proposal is to be delegated to the Development Manager for refusal on the grounds that the necessary infrastructure contribution has not been secured.

3.15 It is the Officers view that having now considered this application on the basis of the current development plan (the HDPF) the same recommendation, i.e. to approval the application, is made to Committee.

4. RECOMMENDATIONS

4.1 a) That planning permission be delegated for approval to the Development Manager subject to appropriate conditions (as outlined in paragraph 4.2 below) and subject to the satisfactory completion of the necessary Legal Agreement by 5th October 2016.

b) That planning permission be delegated for refusal to the Development Manager, on the grounds of failing to provide the necessary infrastructure to serve the development, contrary to Policy 39 of the HDPF, should the necessary Legal Agreement not be satisfactorily completed by 5th October 2016.

4.2 CONDITIONS

Regulatory Conditions:

1. Approved Plan Numbers.

2. The development hereby permitted must be begun within a period of three years beginning with the date on which this permission is granted.

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

3. The use of the extensions hereby permitted shall take not take place except between the hours of 0600-1930 Monday to Friday and 0800-1300 Saturday with no activities on Sundays and Bank Holidays.

   Reason: To safeguard the amenities of the locality and to comply with Policy 33 of the Horsham District Planning Framework (2015).

Pre-Commencement Conditions:

4. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:

   (i) The parking of vehicles of site operatives and visitors
   (ii) Loading and unloading of plant and materials
   (iii) Storage of plant and materials used in constructing the development
   (iv) The erection and maintenance of security hoarding
   (v) Turning on site of vehicles
   (vi) The location of any site huts/cabins/offices
Reason: In the interests of road and site safety and in the interests of amenity of adjacent residents in accordance with Policies 33 & 40 of the Horsham District Planning Framework (2015).

5. No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To enable the Local Planning Authority to control the development in detail by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Pre-Occupation Conditions:

6. Prior to the first use of the development hereby permitted, details of the provision of facilities for the parking of cycles shall be submitted to and approved by the Local Planning Authority and the facilities so provided shall be thereafter retained solely for that purpose.

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).

7. Prior to the first use of the development hereby permitted, the car parking spaces shall be constructed in accordance with approved details and thereafter retained as such.

Reason: To ensure safe and adequate means of access to the site in accordance with Policy 40 of the Horsham District Planning Framework (2015).

8. Prior to the first use of the development hereby permitted, the vehicle turning space shall be laid out in accordance with the approved details and thereafter retained as such.

Reason: To ensure safe and adequate means of access to the site in accordance with Policy 40 of the Horsham District Planning Framework (2015).

9. Prior to the first use of the development hereby permitted, an Energy Statement, which outlines sustainability measures for the development, shall be submitted to and approved by the Local Planning Authority in writing. The Statement shall outline how the scheme complies with the energy hierarchy outlined in Policy 36 of the Horsham District Planning Framework (2015). The development shall be implemented in accordance with the approved statement.

Reason: To ensure the development addresses the impacts of a changing climate with appropriate sustainability measures and in accordance with Policies 35, 36 and 37 of the Horsham District Planning Framework (2015).

10. Prior to the first use of the development hereby permitted, a noise management plan shall be submitted to and approved, in writing, by the Local Planning Authority. The noise management plan should include, but would not necessarily be restricted to, the following matters:

(i) Maximum number of deliveries during night time hours.
(ii) No reversing bleepers to be used in the evening and at night – alternative safety arrangements can be made such as the use of banksmen.
(iii) Use of quieter (electric) forklifts during night time deliveries.
(iv) No tannoy systems to be used in the evening and at night.
(v) Loading bay doors to be kept shut when not in use.
(vi) No idling of vehicles.
(vii) The installation of noise attenuation barriers.

The development shall be implemented strictly in accordance with, and shall thereafter only operate in accordance with, the approved noise management plan.

Reason: To safeguard the amenities of the locality and to comply with Policy 33 of the Horsham District Planning Framework.

Background Papers: DC/13/2288