Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DISC/24/0194
Millfield Barn, Horsham Road, Rowhook, Horsham, West Sussex, RH12 3PZ

DESCRIPTION:

Approval of details reserved by conditions 3,4,5,6 and 7 to approved application DC/13/0468

RELEVANT PLANNING HISTORY:

DISC/20/0043	Approval of details reserved by conditions 3, 5, 6 and 7 on DC/13/0468	Application Permitted on 16.06.2020.
DC/13/0468	Extension of use from a restricted B8 (Storage or distribution use) to an unrestricted B8 use and B1 (Business) use	Application Permitted on 29.11.2017.
RW/9/02	Conversion of building into 3 storage/warehouse units Site: Millfield Barn Rowhook	Application Permitted on 24.05.2002.

It is noted that these conditions were discharged as part of application reference; DISC/20/0043. The applicant wishes to develop the site in accordance with different plans in order to utilise modern methods that are now required by building control, which is the reason for the new discharge application.

Works commenced on site in pursuit of the 2002 permission (RW/9/02) for the conversion of the building in 2007, with Building Control visiting the site during the early stages. A further planning permission was permitted in 2017 (DC/13/0468) to extend the use of the building to unrestricted B8 use and B1 use. A discharge of conditions application was submitted and approved in 2020, which discharged conditions 3, 5, 6 and 7 (DISC/20/0043). No further works have been undertaken to commence planning permission reference DC/13/0468 on site since the 2020 discharge of conditions permission and therefore, as no work has commenced to implement the permission, it is considered to have expired.

There remains an extant permission for the 2002 planning application (RW/9/02) which has restricted B8 use, but as no work have been carried out following the approval of the DISC application in 2020, it is considered that the 2017 (DC/13/0468) permission has lapsed and cannot be implemented. These conditions therefore cannot be discharged.

PLANNING ASSESSMENT

Planning Application DC/13/0468 was granted consent on 29.11.2017. This permission was for the following:

Extension of use from a restricted B8 (Storage or distribution use) to an unrestricted B8 use and B1 (Business) use.

Consent is sought to discharge the details reserved by conditions 3, 4, 5, 6 and 7.

Condition 3:

***Pre-Commencement Condition**: No development shall commence until details have been submitted to and approved in writing by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the development hereby approved. The approved scheme shall be implemented prior to the use/occupation of the site and permanently retained thereafter.*

Reason: As this matter is fundamental in the interests of amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Works commenced on site on the 2002 permission (RW/9/02) for the conversion of the building in 2007, with Building Control visiting the site during the early stages. A further planning permission was permitted in 2017 to extend the use of the building to unrestricted B8 use and B1 use. A discharge of conditions application was submitted and approved in 2020, this discharged conditions 3, 5, 6 and 7 (DISC/20/0043). However, as no work was commenced after the 2020 DISC application, the 2017 (DC/13/0468) permission has lapsed and cannot be implemented. There is therefore no fallback position in relation to water neutrality and the application would be required to demonstrate water neutrality.

In relation to the noise condition above, the agent confirmed that the thermal insulation regulation requirements have improved since 2007 and that new insulation will substantially improve noise attenuation. The building will have much improved soundproofing which allied to 'no outside work' and 'doors to be kept shut' requirements, plus dedicated hours of operation, no noise nuisance will be caused. Furthermore, the complex is 'completely isolated' with no residential buildings within 130m (425 feet). The building will also be thermally sealed and lined internally.

While the details pursuant of the condition are acceptable, as outlined above, the planning permission is not extant and therefore cannot be implemented.

Condition 4:

***Pre-Occupation Condition**: Prior to the first occupation (or use) of any part of the development hereby permitted, full details of the hard and soft landscaping works shall be submitted to and approved, in writing, by the Local Planning Authority. The approved landscape scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. 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 in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

The boundary would be formed by 2.0m high close boarded timber fence, with external indigenous hedgerows; Blackthorn, Field Marble, Hawthorn, Holly and Dog Rose. The hedgerow and fence would follow the boundary line, including the existing oak tree on site. The site would be protected by the fencing but softened to respect the countryside setting with the perimeter hedge. A full height security gate is proposed at the existing entrance. The forecourt and access roadways would be pervious block paving, and the rear parking and turning areas would be pervious gravel finish.

While the details pursuant of the condition are acceptable, as outlined above, the planning permission is not extant and therefore cannot be implemented.

Condition 5:

***Pre-Occupation Condition**: No dwelling hereby permitted shall be occupied (or use hereby permitted commenced) unless and until provision for the storage of refuse/recycling has been made for that*

dwelling (or use) in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained for use at all times.

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

The proposed floor plan indicates that each unit will have a 1100 litre Eurobin waste collection wheelie bin positioned at the rear. These will be placed in a communal collection point near the main entrance on collection day, with the bin area screened by way of a hedge.

While the details pursuant of the condition are acceptable, as outlined above, the planning permission is not extant and therefore cannot be implemented.

Condition 6:

Pre-Occupation Condition*: Prior to the first occupation (or use) of any part of the development hereby permitted, details of the parking turning, and access facilities shall be submitted to and approved by the Local Planning Authority in writing. The building/dwelling shall not be occupied until the approved parking, turning and access facilities have been fully implemented. The parking turning and access facilities shall thereafter be retained as such.*

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

There are no concerns raised with regard to the flexible parking arrangements on this site. No extensions are proposed to the buildings, so there is adequate car, van, HGV parking spaces available for each unit, these are demonstrated on the site layout plan.

While the details pursuant of the condition are acceptable, as outlined above, the planning permission is not extant and therefore cannot be implemented.

Condition 7:

Pre-Occupation Condition*: Prior to the first occupation (or use) of any part of the development hereby permitted, details of secure (and covered) cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the approved cycle parking facilities associated with that dwelling or use have been fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.*

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

Secure bicycle spaces will be provided inside each unit, and each unit will have a disabled parking space.

While the details pursuant of the condition are acceptable, as outlined above, the planning permission is not extant and therefore cannot be implemented.

Recommendation: Application Permitted

NOTE TO APPLICANT
It is understood that no works have been carried out to commence development as approved under planning reference DC/13/0468. The Applicant is therefore advised that this planning permission has not been implemented within the relevant period as per condition 2 and has subsequently expired.

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DISC/24/0194
Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Floor plan	Proposed Ground Floor Plan	23-09-06 A	23.07.2024
Plans	Landscaping, Foul and Surface Water Drainage Plan	23-09-09 A	23.07.2024
Layout plan	Division of Units - Proposed Layout Plan	23-09-11 A	23.07.2024
Plans	Fencing and Hedgerows	23-09-12	23.07.2024
Supporting Docs	Email from Agent dated 13.06.2024	NONE	

DELEGATED

Case Officer sign/initial Bethan Tinning Date: 23.09.2024

Authorising Officer sign/initial Tamara Dale Date: 02.10.2024