Horsham District Council

Mr James Clark
Pegasus Group
4, The Courtyard
Chuch Street
Lockington
Derby
DE74 2SL

Application Number: DC/18/2506

TOWN AND COUNTRY PLANNING ACT, 1990 (as amended)
TOWN AND COUNTRY PLANNING (Development Management Procedure) (England) Order 2015

On behalf of: Carbide Properties

In pursuance of their powers under the above-mentioned Act and Order, the Council hereby notify you that they PERMIT the following development, that is to say:

Erection of an employment building for use classes B1(c) and B8 with associated access, car parking and landscaping.

Land West of Wilberforce Way Southwater West Sussex

to be carried out in accordance with Application No. DC/18/2506 submitted to the Council on 27/11/2018 and subject to compliance with the plans/documents and conditions specified hereunder.

Barbara Childs
Director of Place

Date: 12/04/2019

1 **Plans Condition**: The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule below.

Schedule of plans/documents:

Plan Type	Description	Drawing Number	Received Date
Location plan		P407	08.04.2019
Details plan	Surface Treatment Plan	P403 REV J	05.04.2019
Details plan	Biodiversity Offset Location Plan	P406 REV C	08.04.2019
Site plan	Proposed Site Plan	P400 REV J	05.04.2019
Site plan	Site Plan as Existing	P405 REV D	28.11.2018
Details plan	TPO Tree Plan	P404 REV E	28.11.2018

Elevation plan	Proposed Elevations	P200 REV B	23.11.2018
Floor plan	Proposed Floor Plan	P100 REV A	23.11.2018
Floor plan	Proposed First Floor Plan	P101 REV A	23.11.2018
Section plan	Proposed Section	P300 REV A	23.11.2018
Roof plan		P102 REV A	23.11.2018
Supporting Statement	Letter from Brindle and Green (Dated 18th March 2019) re Bats in Trees (Additional Information)	NONE	03.04.2019
Supporting Statement	Letter from Brindle and Green (Dated 8th March 2019) re additional survey work in respect of Dormice and Bats	NONE	08.03.2019
Supporting Docs	Ecological Impact Assessment, Brindle and Green, January 2019	BG18.200.2	24.01.2019
Supporting Docs	Flood Risk Assessment and Drainage Strategy (PRP, 28th November 2018)	62473 A	23.11.2018
Supporting Docs	Heritage Assessment (CGMS, 22nd October 2018)	NONE	23.11.2018
Supporting Docs	Air Quality Assessment (Hoare Lea, 12th November 2018)	002	23.11.2018
Supporting Docs	Sustainability Statement (ESC, 19th September 2018)	NONE	23.11.2018
Supporting Docs	Noise Impact Assessment (Hoare Lea, 28th September 2018)	001	23.11.2018
Supporting Docs	Transport Statement (ADC Infrastructure, 25th October 2018)	ADC1893_RP_A	23.11.2018
Supporting Docs	Arboricultural Impact Assessment Survey and Report (Brindle and Green, November 2018)	BG18.200	23.11.2018
Supporting Docs	Preliminary Ecological Appraisal (Brindle and Green, September 2018)	BG18.200.2	23.11.2018
Supporting Docs	Phase 1 Desk Study Report (PRP, 12th November 2018) - Part 1 of 5	REP62473-100	23.11.2018
Supporting Docs	Phase 1 Desk Study Report (PRP, 12th November 2018) - Part 2 of 5	REP62473-100	23.11.2018
Supporting Docs	Phase 1 Desk Study Report (PRP, 12th November 2018) - Part 3 of 5	REP62473-100	23.11.2018
Supporting Docs	Phase 1 Desk Study Report (PRP, 12th November 2018) - Part 4 of 5	REP62473-100	23.11.2018
Supporting Docs	Phase 1 Desk Study Report (PRP, 12th November 2018) - Part 5 of 5	REP62473-100	23.11.2018

Reason: For the avoidance of doubt and in the interest of proper planning.

2 **Regulatory (Time) Condition:** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

3 **Pre-Commencement Condition:** Notwithstanding the details submitted, no development shall commence until precise details of the existing and proposed finished floor levels and external ground levels of the development in relation to nearby datum points adjoining the application site 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 amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

4 **Pre-Commencement Condition:** The development hereby approved shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following relevant measures:

i. An introduction consisting of a description of the construction programme, definitions and abbreviations and project description and location;
ii. Details of how residents will be advised of site management contact details and responsibilities
iii. Detailed site logistics arrangements, including location of site compounds, location for the loading and unloading of plant and materials, site offices (including height and scale), and storage of plant and materials (including any stripped topsoil)
iv. Details regarding parking or site operatives and visitors, deliveries, and storage;
v. The arrangements for public consultation and liaison prior to and during construction works - newsletters, fliers etc - including notification as to when any significant noise activities such as piling will be taking place
vi. Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination
vii. Locations and details for the provision of wheel washing facilities and dust suppression facilities

The construction shall thereafter be carried out in accordance with the details and measures approved in the CEMP.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers and highway safety during construction and in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

5 **Pre-Commencement Condition:** Notwithstanding the submitted details, no development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

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

6 **Pre-Commencement Condition:** No development shall commence pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until the following preliminaries have been completed in the sequence set out below:

o All trees on the site shown for retention on approved drawing P404 Rev E, Received 28.11.2018, as well as those off-site whose root protection areas ingress into the site, shall be fully protected throughout all construction works 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).

o 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.
o 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 protection of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

7 **Pre-Commencement Condition:** No development shall take place (including any ground works or site clearance) until a Biodiversity Method Statement for Protected and Priority species has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the following:

a) purpose and objectives for the proposed works;
b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
c) extent and location of proposed works shown on appropriate scale maps and plans;
d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
e) persons responsible for implementing the works;
f) initial aftercare and long-term maintenance (where relevant);
g) disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended, s40 of the NERC Act 2006 (Priority habitats & species).

8 **Pre-Commencement (Slab Level) Condition:** Notwithstanding the submitted details, no development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

9 **Pre-Occupation Condition:** Prior to the first occupation or use of any part of the development hereby permitted, the mitigation measures set out in Chapter 6 of the approved Air Quality Assessment [Tungsten Properties Ltd, 12th November 2018, Rev 02] shall have been implemented. These mitigation measures shall be retained as such thereafter.

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).

10 **Pre-Occupation Condition:** No building services plant shall be operated until full details, including the location of the plant to be installed and any noise mitigation measures, have

been submitted to and been approved in writing by the Local Planning Authority. This plant shall demonstrate accordance with the measures set out in Chapter 10 of the Noise Impact Assessment [Hoare Lea, 28th September 2018, Rev 01] to mitigate any adverse impacts on neighbouring amenity. These measures shall be fully installed prior to first operation of the plant and shall be retained as such thereafter.
Reason: To safeguard the amenities of adjacent residents in accordance with Policy 33 of the Horsham District Planning Framework (2015).

11 **Pre-Occupation Condition:** Prior to the first occupation or use of the development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP shall include the following:

a) Description and evaluation of features to be managed.
b) Ecological trends and constraints on site that might influence management.
c) Aims and objectives of management.
d) Appropriate management options for achieving aims and objectives.
e) Prescriptions for management actions.
f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
g) Details of the body or organization responsible for implementation of the plan.
h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

12 **Pre-Occupation Condition:** Prior to the first occupation of the building, a lighting design scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and to protect neighbouring amenity in accordance with Policy 33 of the HDPF.

13 **Pre-Occupation Condition:** No part of the development shall be first occupied until such time as the vehicular access and car parking spaces serving the development have been constructed in accordance with the details shown on the drawing titled Proposed Site Plan and numbered P400 rev H. The car parking spaces permitted shall thereafter be retained as such for their designated use.

Reason: In the interests of road safety and in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015).

14 **Pre-Occupation Condition:** Notwithstanding the submitted details, prior to the first occupation of any part of the development hereby permitted, full details of all soft landscaping works, boundary treatment and lighting shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- Details of all existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all boundary treatments, to include the recommendations set out in Chapter 10 of the Noise Impact Assessment [Hoare Lea, 28th September 2018, Rev 01]
- Details of all external lighting
- Details of the management of the landscaping within the site

The approved landscaping 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. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site 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. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes 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 and to protect the amenities of nearby residents in accordance with Policy 33 of the Horsham District Planning Framework (2015).

15 **Pre-Occupation Condition:** Prior to the first occupation of the unit, the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabytes per second through full fibre broadband connection shall be provided to the premises.
Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policies 10 and 37 of the Horsham District Planning Framework (2015).

16 **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).

17 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. 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.

Reason: To encourage and promote sustainable transport and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

18 **Pre-Occupation Condition:** No building hereby permitted shall be first occupied (or use hereby permitted commenced) unless and until provision for the storage of refuse/recycling has been made for that building (or use) in accordance with details (including elevations, materials and internal configuration) that have been 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).

19 **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays
Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

20 **Regulatory Condition:** The premises hereby permitted shall not be open for trade or business (including the receipt and/or dispatch of deliveries, and/or the operation of vehicles, plant/machinery) except between the hours of 07:00 to 18:00 Mondays to Fridays; 07:00 to 13:00 on Saturdays; nor at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

21 **Regulatory Condition:**: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order), the premises hereby permitted shall only be used for uses falling with Classes B1(c) and B8, and for no other purposes (including those falling within Class B2 as defined in the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without express planning consent from the Local Planning Authority first being obtained.

Reason: Changes of use as permitted by the Town and Country Planning (General Permitted Development) Order or Use Classes Order 1987 are not considered appropriate in this case due to the unknown and potentially harmful impacts on local amenity under Policy 33 of the Horsham District Planning Framework (2015).

22 **Regulatory Condition:** If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved by the local planning authority detailing how this unsuspected contamination shall be dealt with. 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).

Note to Applicant:
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.

ADDITIONAL INFORMATION

Planning Permission – Important Provisos
If planning permission has been granted, please note that your Notice of Decision refers only to consideration of your proposal under the Town and Country Planning Acts. It is not a building regulations approval and does not mean that you can disregard other Acts of Regulations, or avoid any other legal obligations. Some of these obligations, of particular relevance to your proposal are referred to elsewhere in this note. Before you proceed with your proposal you should ensure that a Building Control application is not required, or has been submitted. The Building Control Department can be contacted on 01403 215151.

If this permission relates to new dwellings, commercial premises or other buildings which will require a new postal address you should contact the Council's Street Naming & Numbering Department as soon as possible or before work commences on site. Further details are available on the Street Naming page on the Council's website or alternatively e-mail streetnaming@horsham.gov.uk or telephone 01403 215139.

It must be stressed that the information included on this Notice of Decision may not include all your legal obligations, and it does not grant you rights to carry out works on or over lands, or to access land that is not within your control or ownership.

Compliance with the Approved Plans and Conditions
The development hereby approved must be implemented in accordance with the approved plans and any conditions set out in the Notice. Some of the conditions may specify that works are to be carried out, and/or details submitted and approved before all or part of the development is started. These will appear in the 'Pre Commencement Conditions' section of the Notice.

If works on implementing this permission is started without these requirements being fully met, the development may be unauthorised and the permission invalidated, and could lead to enforcement proceedings or in some cases to prosecution.

Amendments
Should alterations or amendments be required to the approved plans, it will be necessary to apply either under Section 96A of the Town and Country Planning Act 1990 for non material alterations, or under Section 73 of the Act for minor material alterations. An application must be made using the standard application form and you should consult with us, to establish the correct type of application to be made.

Monitoring
Horsham District Council monitors the implementation of planning permissions. Please be aware that monitoring officers may visit the application site at various stages of the development to ensure compliance with the approved plans and conditions.

Conditions Compliance
Requests for confirmation of compliance with conditions associated with that permission should be made in writing or by using the application form 'Approval of Details Reserved by Conditions'.

A request may be for confirmation that one or more conditions imposed on the same permission have been complied with. We aim to respond within 8 weeks of receipt of the request.

Right of Appeal
If you are aggrieved by the decision to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

You must appeal within 12 weeks of the date of the decision notice for a householder application and within 26 weeks for other types of planning applications. Please note, only the applicant possesses the right of appeal.

The details of how to appeal together with the form which must be used can be obtained from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or on-line at www.planningportal.gov.uk/pcs