Horsham District Council

Mr Ross Middleton
CC Town Planning
Newton House
Northampton Science Park
Kings Park Road
Northampton
NN3 6LG

Application Number: DC/24/1702

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

On behalf of: Mr Lucky Gohler, Perfect Group (Nationwide) Ltd

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:

**Variation of Condition 20 of previously approved application DC/18/2506 (Erection of an employment building for use classes B1(c) and B8 with associated access, car parking and landscaping) relating to trading hours.**

**Unit A Oakhurst Business Park, Wilberforce Way, Southwater**

to be carried out in accordance with Application No. DC/24/1702 submitted to the Council on 01/11/2024 and subject to compliance with the plans/documents and conditions specified hereunder.

Emma Parkes
Head of Development and Building Control

Date: 25/11/2025

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 |
|---|---|---|---|
| Supporting Statement | Planning | NONE | 01.11.2024 |
| 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 |

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| Site plan | Site Plan as Existing | P405 REV D | 28.11.2018 |
| Details plan | TPO Tree Plan | P404 REV E | 28.11.2018 |
| Location plan | | P407 | 08.04.2019 |
| 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) | | 03.04.2019 |
| Supporting Statement | Letter from Brindle and Green (Dated 8th March 2019) re additional survey work in respect of Dormice and Bats | | 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) | | 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) | | 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 |
| Supporting Statement | Biodiversity Method Statement BG18.200.3 (Brindle & Green, May | NONE | 12.06.2019 |

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| | 2019) | | |
| Supporting Statement | The Landscape and Ecological Management Plan (LEMP) BG18.200.4 (May 2019) | NONE | 09.08.2019 |
| Plans | Topographical Survey | 19070_T0P0 | 23.09.2019 |
| Layout plan | External works | 110 REV P2 | 23.09.2019 |
| Supporting Statement | Flood risk assessment and drainage strategy | NONE | 23.09.2019 |
| Supporting Statement | CEMP | | 19.11.2019 |
| Details plan | Bin Store | DOC 18 | 10.03.2020 |
| Details plan | Cycle Parking | DOC 16 | 10.03.2020 |
| Details plan | Street Lighting Private | LL 1092/001 | 10.03.2020 |
| Details plan | Soft Landscaping (04/05/2020) | KL 441 001 P1 | 04.05.2020 |
| Supporting Statement | Outdoor Lighting Report | NONE | 10.03.2020 |
| Supporting Statement | Environmental Design Report | NONE | 10.03.2020 |
| Supporting Statement | Agents Email re confirmation of rear light shields to be fitted | | 06.04.2020 |
| Supporting Statement | Secur - Dor | NONE | 23.07.2020 |
| Supporting Statement | Trimapanel External Wall Panel System | NONE | 23.07.2020 |
| Supporting Statement | Materials Information | NONE | 23.07.2020 |
| Supporting Statement | Sectional Door ISO 40 | NONE | 23.07.2020 |
| Supporting Statement | Roof Profiles | NONE | 23.07.2020 |

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 be carried out in accordance with the details submitted within application DISC/19/0283 and the measures approved in the Construction Management Plan (Goodrich Consulting LLP dated September 2019)
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 **Regulatory Condition**: The development shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy ref: 62473 rev B (PRP UK Limited for Tungsten Properties) submitted within DISC/19/0283.

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:

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

7 **Regulatory Condition**: The development herby approved shall be carried out strictly in accordance with the Biodiversity Method Statement BG18.200.3 (Brindle & Green, May 2019) approved within DC/24/1702 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 **Regulatory Condition**: The development hereby permitted shall take place strictly in accordance with the details approved within application DISC/20/0190. 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 **Regulatory Condition**: The development herby approved shall be implemented in accordance strictly in accordance with Ecological Management Plan (LEMP) BG18.200.4 (Brindle and Green) (dated May 2019) approved within DC/24/1702.

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 **Regulatory Condition**: All external lighting shall be installed in accordance with the Outdoor Lighting Report and Street Lighting - Private Drawing LL1092/001 (both Loveday Lighting Ltd, Sept 2019), the Detailed Soft Landscaping Proposal (Kova Landscape Ltd, March 2020), and Environmental Design Report reference LL1092 dated 19/09/19 approved within DISC/20/0065. All external lighting shall be maintained thereafter in accordance with these approved documents. 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 **Regulatory Condition**: The approved landscaping scheme shall be fully implemented in accordance with the details approved within DISC/20/0065 (Detailed Soft Landscaping Proposals Plan KL-441-001 Rev P1 submitted on the 4 May 2020 ) 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 **Regulatory Condition**: The cycle parking as shown on DOC16 - Cycle Parking and approved within DISC/20/0065 shall 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:** The Travel Plan, submitted and approved within application DISC/20/0065 shall 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 **Regulatory Condition**: The provision for the storage of refuse/recycling as approved within application DISC/20/0065 shall be installed as per the approved plans (DOC18 - Bin Store) and 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 20:00 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 is the responsibility of the developer to provide bins for the development. If you are a developer and need to purchase bins, please email hop.oast.admin@horsham.gov.uk.

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 Appeals**
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 or 'minor commercial' (shop front) development, and within 6 months for other types of planning applications. There are different timescale – usually 28 days – if an enforcement notice is/has been served for the same (or very similar) land and development. Please note, only the applicant possesses the right of appeal.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are at https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries.