Horsham District Council

Mr Simon Brett
Brett Incorporated Limited
18 Seal Road
Selsey
Chichester
PO20 0HW

Firsland Park Estate Henfield Road Albourne West Sussex
Replacement commercial units for B2/B8/E(g)* (* formerly B1) use along with additional communal parking

Your application DC/23/2037 has now been determined and I enclose the decision notice. The decision notice contains important information. Please take a moment to read it as further action may be required.

Conditions
Before you start work, information must be submitted for any conditions that require discharge before development can begin. The decision notice will set out what information need to be sent.

Failure to discharge conditions before commencing development could result in the development being unlawful or enforcement action being taken. You can notify us of your intention to initiate development by completing a pre-commencement notification which will help us to monitor your development. There is no fee to use this service. To do this, or for further information about discharging planning conditions, visit us online at horsham.gov.uk/planning/discharging-a-planning-condition

Community Infrastructure Levy (CIL)
If this development is CIL liable, the requirements of CIL must be met before you start work. Failure to do so could result in additional financial penalties. For further information relating to CIL visit horsham.gov.uk/planning/planning-policy/community-infrastructure-levy/cil-charges-and-how-to-pay

If you have any questions about the decision notice, you can call us and speak to a member of the team on 01403 215187 between 9AM - 5PM, Monday to Friday.

If you are acting as the planning agent for this application, please ensure that the applicant is given a copy of the decision notice and this letter.

Yours Sincerely,
Development Management

Horsham District Council

Mr Simon Brett
Brett Incorporated Limited
18 Seal Road
Selsey
Chichester
PO20 0HW

Application Number: DC/23/2037

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

On behalf of: Mr Steve Mills Firsland Park Industrial Estate

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:

Replacement commercial units for B2/B8/E(g)* (* formerly B1) use along with additional communal parking

Firsland Park Estate Henfield Road Albourne West Sussex

to be carried out in accordance with Application No. DC/23/2037 submitted to the Council on 14/11/2023 and subject to compliance with the plans/documents and conditions specified hereunder.

Emma Parkes
Head of Development and Building Control

Date: 13/02/2024

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
Elevation plan	Existing	1221.36/07	14.11.2023
Location plan		1221.36/01	06.11.2023
Block plan	Existing and proposed	1221.36/02 A	06.11.2023
Floor plan	Proposed	1221.36/03	06.11.2023
Elevation plan	Proposed rear and side	1221.36/04	06.11.2023
Elevation plan	Proposed Front and sides	1221.36/05	06.11.2023

Elevation & Floor plan	Proposed Water Harvesting Plant room and floor plan of existing building to be demolished	1221.36/06	06.11.2023
Design & Access Statement		NONE	06.11.2023
Supporting Statement	Preliminary Ecological Appraisal	5893	06.11.2023
Supporting Statement	Water Neutrality Statement	NONE	06.11.2023
Supporting Docs	Rainfall averages	NONE	06.11.2023

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:** With the exception of works of demolition, no development shall commence until full details of proposed means of disposal for surface water have been submitted to and approved by the Local Planning Authority in writing. The development, thereafter, shall be carried out strictly in accordance with the approved details, with drainage infrastructure implemented and made ready for use prior to the first occupation of the approved development.

Reason: To ensure that the Authority possesses full details of proposed Sustainable Drainage Infrastructure and is able to assess the relevant effects of such infrastructure, and to ensure that the approved development is adequately drained and does not contribute to flood-risk elsewhere in accordance with Policy 38 of the Horsham District Planning Framework (2015) and 173.

4 **Pre-Commencement (slab level) Condition:** No development above ground floor slab level shall commence until a treatment, management and maintenance plan for the approved rainwater harvesting system has been submitted to and approved in writing by the Local Planning Authority. The treatment, management and maintenance plan shall include the following details:-

- The sampling regime and parameters for collected rainwater, with sampling to be undertaken by a DWI certified sampler and analysed by a UKAS accredited lab;
- Detail as to how the failure of any samples will be investigated and managed;
- Details, including plans or schematics, showing the locations of rainwater storage tanks and treatment plant/equipment;
- Specifications for treatment plant/equipment to be installed to process collected rainwater;
- Detail on how the treatment system, pipework, tanks and other relevant equipment will be cleaned and maintained and who will maintain them for the lifetime of the development. This should include any re-activation of the system after it has been out of use due to lack of rainfall/use;
- The completion and sharing of the Regulation 6 risk assessment by a suitably competent person (as required by the Private Water Supply (England) Regulations 2016) prior to the water supply being put into use;
- Detail on the continuity of supply during dry periods extending beyond 35 days;
- Arrangements for keeping written records of all sampling, results of analysis, inspection, cleaning, and maintenance;

- Details of contingency plans to ensure any failure's or reported concerns with the supply are investigated and rectified as soon as possible, including timeframes. This should include notification of the investigation and corrective actions to the local authority.

The management and maintenance plan shall be operated in full at all times. No alterations or revisions to the approved management plan shall be implemented without the written approval of the Local Planning Authority.

Reason: To ensure the development is water neutral and avoids an adverse impact on the integrity of the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 186 and 188 of the National Planning Policy Framework (2023), and to enable the Authority to fulfil its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

5 **Pre-Occupation Condition:** The development hereby permitted shall not be occupied unless and until full details of proposed measures for biodiversity enhancement have been submitted to and approved by the Local Planning Authority in writing. The enhancement measures must accord with the measures recommended at Section 5 to the approved Preliminary Ecological Appraisal (The Ecology Co-op, dated 26th September 2023, ref: 5893) and shall include details of:-

- Locations of proposed enhancement measures by way of appropriate maps and plans;
- Specifications for proposed bird boxes and bat tubes, tiles and/or boxes;
- Details of hedge planting, including schedules specifying species, planting size, densities and plant numbers;
- Details of initial aftercare and long-term maintenance;

Bird boxes and bat tiles, tubes and/or boxes shall be installed in accordance with the approved details prior to the first occupation of the development hereby permitted. New hedges shall be planted in accordance with the approved measures within the first planting season following the first occupation of any part of the development. Any approved hedge 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 that the proposed development delivers opportunities for biodiversity enhancement in accordance with Policy 31 of the Horsham District Planning Framework (2015) and Paragraph 180(d) of the National Planning Policy Framework (2023).

6 **Pre-Occupation Condition:** The development hereby approved shall not be occupied unless and until a lighting design scheme for biodiversity has been submitted to and approved in writing by the local planning authority. The scheme shall be coordinated with proposed ecological enhancement measures required by Condition 5, and shall address existing and proposed features that are particularly sensitive to bats and where lighting is likely to cause disturbance to roosts and routes used for foraging and/or commuting. The lighting design scheme shall demonstrate that lighting will not impact upon bat roosts, commuting and/or foraging and include details of the positions, orientations and heights of proposed lighting in addition to the technical specifications for proposed luminaries.

Reason: As these details are fundamental to safeguard the ecological interest of the area, and to ensure that ecological enhancement measures are not compromised by the installation of inappropriate lighting in accordance with Policy 31 of the Horsham District Planning Framework (2015) and Paragraph 180(d) of the National Planning Policy Framework (2023).

7 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until details of secure and covered cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The facilities hereby permitted shall not be occupied until the approved cycle parking facilities have been fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use as cycle parking at all times.

Reason: To ensure that there is adequate provision for the parking of cycles, and to promote opportunities for sustainable travel in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015).

8 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the vehicular access and car parking spaces serving the approved development have been constructed and made available for use in accordance with approved drawing number 1221.36/02A.

Reason: To ensure an adequate means of access to the site exists and that sufficient car-parking facilities are available for the approved use in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015).

9 **Regulatory Condition:** The development hereby permitted shall be undertaken in strict accordance with the mitigation measures and methods set-out within the approved Preliminary Ecological Appraisal (The Ecology Co-op, dated 26th September 2023, ref: 5893).

Reason: To safeguard protected and priority species and habitats in accordance with Policies 25 and 31 of the Horsham District Planning Framework (2015) and to enable the Authority to discharge its duties pursuant to S.40 of the NERC Act 2006 (Priority Habitats and Species)

10 **Regulatory Condition:** The premises shall not operate for trade or business purposes except solely between the hours of 07:00-18:00 Monday to Friday (inclusive) and 07:00-13:00 Saturdays.

Reason: To ensure that nearby residential occupiers are not subject to unacceptable levels of noise disturbance in accordance with Policy 33 of the Horsham District Planning Framework (2015).

11 **Regulatory Condition:** The facilities hereby approved shall operate only for B2, B8 and/or E(g) uses (as defined within the Town and Country Planning (Use Classes) Order 1987 and Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020).

Reason: To ensure that the Authority has correctly assessed the range of proposed uses pursuant to Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and to prevent alternative commercial uses which could possibly contribute to an adverse effect upon the integrity of the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites in accordance with the requirements of Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 186 and 188 of the National Planning Policy Framework (2023), and to enable the Authority to fulfil its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

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.

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.

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.