Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/23/1892
Land Off Platts Roundabout, Newbridge Road, Billingshurst, West Sussex,

DESCRIPTION:
Variation of Condition 1 of previously approved application DC/20/1165 (Variation of Condition 1 of approved application DC/19/0295 (Hybrid application for the erection of petrol filling station with convenience store and sandwich bar, car wash, jet wash and car parking; motorcycle showroom and workshop with associated car parking; outline planning permission for flexible employment space (B1b/B1c/B2/B8) totalling 4,627sqm with associated car parking and appearance reserved); new access to the site from A272 and pedestrian link to footbridge over A29.) Relating to the site layout plan for Phase 1). To increase size of building for the provision of additional display space. Two car park spaces revised to electric charging spaces.

RELEVANT PLANNING HISTORY:

Main Planning History:

DC/19/0295	Hybrid application for the erection of petrol filling station with convenience store and sandwich bar, car wash, jet wash and car parking; motorcycle showroom and workshop with associated car parking; outline planning permission for flexible employment space (B1b/B1c/B2/B8) totalling 4,627sqm with associated car parking and circulation space (scale, landscaping and appearance reserved); new access to the site from A272 and pedestrian link to footbridge over A29.	Application Permitted on 10.01.2020
DC/20/0399	Non material amendment to previously approved DC/19/0295 (Hybrid application for the erection of petrol filling station with convenience store and sandwich bar, car wash, jet wash and car parking; motorcycle showroom and workshop with associated car parking; outline planning permission for flexible employment space (B1b/B1c/B2/B8) totalling 4,627sqm with associated car parking and circulation space (scale, landscaping and appearance reserved); new access to the site from A272 and pedestrian link to footbridge over A29.) Relating to creating Phase 1a and Phase 1b	Application Permitted on 27.03.2020
DC/20/1165	Variation of Condition 1 of previously approved application DC/19/0295 (Hybrid application for the erection of petrol filling station with convenience store and sandwich bar, car wash, jet wash and car parking; motorcycle showroom and workshop with associated car parking; outline planning permission for flexible employment space (B1b/B1c/B2/B8) totalling 4,627sqm with associated car parking and circulation space (scale, landscaping and	Application Permitted on 23.09.2020

	appearance reserved); new access to the site from A272 and pedestrian link to footbridge over A29.) Relating to the site layout plan for Phase 1b.	
DC/21/1558	Erection of a roadside facility comprising a PFS, linked kiosk store and drive thru coffee unit (Sui Generis Use)	Application Permitted on 31.08.2022
DC/22/1788	Application to confirm Condition 2 attached to planning permission DC/20/1165 has been complied with and that both Phase 1a and Phase 1b has been implemented (Lawful Development Certificate - Existing)	Certificate Issued on 04.11.2022
DC/22/0518	Outline Application for redevelopment of the site to provide flexible employment space (Use Classes E(g)(ii) and (iii), B2 and B8) totalling 4,627sqm, ancillary parking and circulation space with all matters reserved except access and layout	Application Permitted on 07.10.2022
DC/24/0805	Reserved matters application pursuant to Condition 2 DC/22/0518 (Outline Application for redevelopment of the site to provide flexible employment space (Use Classes E(g)(ii) and (iii), B2 and B8) totalling 4,627sqm, ancillary parking and circulation space with all matters reserved except access and layout) and Discharge Details in relation to Conditions 5, 6 part ii, 7, 8, 9, 12, 15 and 20.	Pending Consideration

Approval of Details:

Following DC/19/0295:

DISC/20/0101	Approval of details reserved by conditions 4 (CEMP), 5 (Surface Water), 6 (Drainage Strategy), 7 (Archaeology, Part (i) only), 8 (Contamination) and 9 (Levels) on DC/19/0295, pursuant to Phase 1a only.	Details Approved on 15.07.2020
DISC/20/0295	Approval of details reserved by condition 7 (Part ii) on DC/19/0295	Details Approved on 10.08.2020

Following DC/20/1165:

DISC/24/0037	Application for Approval of Details Reserved by Condition 4, 8 and 9 to approved application DC/20/1165	Details Approved on 23.05.2024

SITE AND DESCRIPTION:

This application concerns land south-west of Platts Roundabout, Billingshurst. Planning permission was initially granted pursuant to ref: DC/19/0295 for the development of a petrol filling station (Phase 1), a vehicle sales showroom (Phase 1), employment floorspace (Phase 2) and various supporting infrastructure. A non-material amendment was, subsequently, granted under to S.96A of the Town and Country Planning Act 1990 pursuant to ref: DC/20/0399 in March 2020 to enable the approved petrol filling station and vehicle sales showroom to be progressed as Phase 1a and Phase 1b respectively.

Consent under S.73 of the Town and Country Planning Act 1990 was, further, granted in September 2020 pursuant to ref: DC/20/1165 as an amendment to ref: DC/19/0295, effecting various changes to the layout of the vehicle sales showroom and maintenance workshop contained within Phase 1b.

Planning permission granted pursuant to ref: DC/20/1165 is deemed to have been implemented, as established by the grant of a Lawful Development Certificate under S.191 of the Act pursuant to ref: DC/22/1788.

A separate (freestanding) planning permission for the development of a petrol filling station (PFS), kiosk store and drive through unit was granted pursuant to ref: DC/21/1558 comprising land originally described as Phase 1a of ref: DC/19/0295.

A separate (freestanding) outline planning permission for the development of employment floorspace and supporting infrastructure was granted pursuant to ref: DC/22/0518 comprising land originally described as Phase 2 of ref: DC/19/0295. A reserved matters application (ref: DC/24/0805) is presently under consideration in respect of facilities approved pursuant to ref: DC/22/0518.

Therefore, the original hybrid consent DC/19/0295 (as amended under DC/20/1165) is being built out only insofar as it relates to the access and phase 1b (the motorcycle showroom and workshop). The phase 1a PFS is being built out under the separate full planning permission DC/21/1558, with the employment land at the rear being pursued under the separate outline permission DC/22/0518 and current application for reserved matters DC/24/0805.

This application is made pursuant to S.73 of the Town and Country Planning Act 1990 and seeks a variation to the plans approved pursuant to ref: DC/20/1165. The proposed variations concern solely facilities contained within Phase 1b of the approved development. No changes are sought in respect of the petrol filling station subject of Phase 1a or employment facilities subject of Phase 2.

The proposed variations would provide for changes to the approved layout for Phase 1b in addition to the provision of an enlarged motorcycle showroom building, relative to that previously approved, incorporating an additional 180m^2 of internal floorspace. This additional floorspace arises through the provision of a showroom structure 3.4m wider than that previously approved, and by making use of land previously approved for use as external vehicle display. The proposed building, though, remains of a very similar form and design to that previously approved, and would maintain the same ridge and eaves height in addition to the same ground floor and first floor levels. Consistent with the previously approved arrangement the showroom building would be set within an existing slope, with the building accessed to the south at first floor level. External parking/display areas would bound the building to the respective south and west (as previously approved) with a reconfigured external display area provided to the north-west and north of the proposed showroom of slightly reduced overall scale to that previously approved. An additional 1:15 slope/access leading from the lower external display area for use by display vehicles only would be introduced onto the internal access leading from the A272 to the north-east of the showroom building.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF):

Horsham District Planning Framework (2015):

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 12 - Strategic Policy: Vitality and Viability of Existing Retail Centres
Policy 13 - Town Centre Uses
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change

Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 43 - Community Facilities, Leisure and Recreation

Billingshurst Neighbourhood Plan:
Policy BILL 1 – Billingshurst Built-Up Area Boundary
Policy BILL 3 – Energy Efficiency and Design
Policy BILL 7 – Retaining and Enhancing the Vitality and Viability of Billingshurst Village Centre
Policy BILL 16 – Mult-value Sustainable Drainage Systems

West Sussex Joint Minerals Local Plan (2018)
Policy M9 - Safeguarding Minerals

Supplementary Planning Guidance:
Planning Obligations and Affordable Housing SPD (2017)
Community Infrastructure Levy (CIL) Charging Schedule (2017)
Billingshurst Village Centre SPD (2017)
Billingshurst Parish Design Statement SPD (2009)

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES
Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

Consultations:
HDC – Landscape: Clarification/Further Information Requested:-

[Summary] The Council's Landscape Architect responded to comment that it is unclear whether any alterations are being effected to the ridge height of the proposed showroom and workshop relative to their previous arrangement, noting that proposed levels are shown as consistent with the previously approved arrangement, though, with the proposed section plan depicting the proposed showroom building at a lower level relative to the arrangement shown on the previous section plan. Clarification was considered to be needed in respect of whether any changes are proposed to ridge heights, and whether this would exacerbate views of the site and from the more sensitive receptor of right of way no. 1327.

Overall, it was considered that proposed changes to the bulk of the approved showroom building, particularly the width increase, would unlikely be greater than previously assessed adverse effects and that no mitigation would prove necessary.

If changes to the ridge height of showroom buildings are proposed, the scheme will be more prominent in the landscape of concern to the landscape effects of the proposal in the countryside and users of the right of way. An amendment to viewpoint 7 within the landscape and visual assessment was requested to ensure the impacts of the proposal could be clearly understood, the level of adverse effects and if any mitigation is necessary, including reducing ridge heights of buildings.

HDC – Arboriculture: No comments.

No comments made.

WSCC – Highways: No objection.

[Summary] The Local Highways Authority (LHA) noted that the proposed development would result in the increase in internal display areas at the expense of previously approved external display areas, though, that car-parking provision would remain as previously proposed with the exception of the provision of two electric vehicle charging spaces.

The LHA officer was satisfied that the proposed alterations would not warrant an objection on highways grounds and would be in-line with paragraph 111 to the Framework (now paragraph 115).

WSCC – Lead Local Flood Authority: No comments.

[Summary] The Lead Local Flood Authority (LLFA) responded to confirm that the LLFA has no comments to make in respect of the proposed variation, which was not considered to relate to matters of surface water drainage.

Place Services – Archaeology: No objection.

[Summary] The Council's consultant archaeologists responded to raise no objection to the proposed development, noting that a written scheme of investigation for archaeological fieldwork has previously been submitted and approved. Trial-trenching is expected as the next stage of works, in accordance with the previously agreed written scheme of investigation.

Place Services – Ecology: No objection.

[Summary] Two responses were received from the Council's Consultant Ecologists. The initial response of 07.11.2023 identified the need for updated ecological surveys and lighting assessments to confirm whether the recommendations of initially conducted surveys remain valid and whether the Authority can continue to rely upon a Habitats Regulations Assessment initially conducted in conjunction with ref: DC/19/0295 in respect of possible effects upon barbastelle bat and the integrity of the Mens SAC.

The later response of 10.04.2024 was made with the benefit of revised ecological walkover surveys and a lighting assessment provided in February 2024. Within their response of 10.04.2024, the Council's consultant ecologists acknowledged that the updated lighting assessment identifies a low risk of light levels exceeding 1lux to potential bat foraging commuting routes, though, that proposed mitigation includes criteria for a maximum lux level of 0.4lux to the northwestern site boundary, together with the retention of the existing hedgerow, additional hedgerow/ecological enhancement planting and restrictions on the timing of construction hours to require implementation during daylight hours.

Subject to those measures being secured, the Council's consultant ecologist considers that the appropriate assessment undertaken circa 2019 in support of the original approval does not need revising and that there is no further need to consult Natural England.

It was, additionally, identified that the site now has suitable habitat to support a low population of reptiles, though, that relevant mitigation measures have bee recommended. Overall it was considered that, with appropriate mitigation measures, the revised development is acceptable with sufficient information available for determination.

The reincorporation of any ecology related conditions from ref: DC/19/0295 was recommended, noted as not yet approved by the Authority.

NatureSpace: No objection.

[Summary] NatureSpace, operators of the District wide mitigation strategy for Great Crested Newt, responded to raise no objection to the proposals. This type of application was not deemed relevant to the District Licencing Scheme, with no likely impact on Great Crested Newt or their habitat.

Natural England: No comments.

[Summary] Natural England noted that an initial consultation did not include a habitats regulations assessment, and that advice on this application would be provided once an assessment has been provided.

Southern Water: No objection.

[Summary] Southern Water responded to raise no objection to the variation of condition 1. Standing advice was received explaining standardised requirements for the protection of public drainage infrastructure, and indicating the approximated position of such infrastructure within the site.

Southern Water noted the submission of a Water Neutrality report, and considered that the LPA would work in conjunction with Natural England to review the developers proposals.

Billingshurst Parish Council. No objection.

[Summary] Billingshurst Parish Council responded to confirm no objection to this application. No material comments were made.

Representations:

A single letter of objection was received in conjunction with the proposals. The main material grounds for objection can be summarised as:-

- The amendment should not be approved until a safety assessment of weekday/weekend traffic flows past the entrance of the site has been completed and assessed;
- Concern regarding the possibility of head-on collisions for right-turning traffic into the public household waste site opposite the site as a consequence of road layout and poor marking;
- Concern that the proposed variation would lead to increased traffic movements/customers, and that the effects of such an increase on highway operation/safety has not been assessed;
- Concern that there is a particular risk to highway safety for vehicles turning right across the A272 to enter the site, and for vehicles turning right across the A272 on exit from the site which is likely to be exacerbated when vehicles are entering/exiting the public household waste site;

Material comments in support of the proposals can be summarised as:-

- The provision of electric vehicle charging points are welcomed.

Material comments neither in support of or objection to the proposals can be summarised as:-

- It would be preferred that proposed electric vehicle charging apparatus is accessible to the general public;

Member Comments:
None received

HUMAN RIGHTS AND EQUALITY:
The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

Principle of Development:

The amendments sought relate to the approved showroom facility contained within phase 1b of the development approved pursuant to ref: DC/19/0295 as amended by ref: DC/20/1165. In initially resolving to grant planning permission, the Authority considered that the unmet need for employment floorspace circa 2019 provided justification for the provision of a petrol filling station, showroom/workshop and commercial units as a departure from the provisions of the development plan in respect of countryside protection policies and the spatial approach to settlement expansion contained within the Horsham District Planning Framework (HDPF)

The Policy position has evolved since the initial determination subsequent to the formal adoption of the Billingshurst Neighbourhood Plan (BNP) circa 2021 and with the draft Horsham District Local Plan (2023) (HDLP) having progressed to Regulation 19 stage. The adopted Neighbourhood Plan (at Policy BNP 1) and emerging HDLP do not provide for an alternative spatial approach to the HDPF, though, the emerging HDLP at table 5 identifies the previous approval pursuant to ref: DC/19/0295 as an existing employment 'commitment', whereby some scope for intensification exists through the provisions of draft Policy 29. The provisions of the draft HDLP, however, attract limited weight at this juncture by reason of its early stage of preparedness and the existence of unresolved objections against individual policies pursuant to Paragraph 48 of the NPPF.

The existence of the extant planning permission establishes the departure from the policies of the development plan, with the minor nature of proposed operations not considered to warrant a reconsideration of that departure or the availability of employment floorspace within the District. The proposed amendments, therefore, are considered acceptable in-principle, notwithstanding the countryside setting of the application site.

Character, Design and Appearance:

Policies 25 and 26 of the HDPF seeks to protect the townscape and landscape character of the District, including the landform, development pattern, together with protected landscapes and habitats. Development will be required to protect, conserve and enhance landscape and townscape character, taking account of areas or features identified as being of landscape importance, individual settlement characteristics and settlement separation.

Policies 32 and 33 of the HDPF require development to be of a high standard of design and layout. Development proposals must be locally distinctive in character and respect the character of their surroundings. Where relevant, the scale, massing and appearance of development will be required to relate sympathetically with its built-surroundings and landscape with consideration to any impact on the skyline and important views.

In its assessment of the existing planning permission the Authority considered the approved showroom facility building acceptable by reason of the retention of the existing hedgerow bounding the A272, its set-back nature relative to the road-network and potential for additional landscaping to be undertaken to the north of the proposed building. The approved design was noted to be reflective of development of an agricultural nature through the proposed use of materials and absence of fenestration to the western elevation of the approved buildings, with the exception of overhung/glazed northern/southern elevations considered to provide for a modern appearance suitable for the intended function as showroom. The split-level of approved facilities, partly sunken into existing terrain, was additionally considered to lessen the landscape prominence/effects of the showroom structure (paragraph 6.77 of the published committee report).

The proposed amendments to layout and design maintain the principles previously assessed to establish the acceptability of the approved showroom facility in terms of its character, landscape and visual effects. While the comments of the Landscape officer received in conjunction with this application are noted, it is evident that there is some confusion arising from the erroneous representation of previously approved development on the approved section A-A as excerpted within the Landscape response, which incorrectly omits the sunken nature of the showroom in representing this as a fully above ground structure. Section A-A on plan ref: 3492-DMWE-XX-A-PL101, as proposed in conjunction with this application, correctly depicts the sunken nature of the building, to be accessed (from the south) at first floor only (consistent with ref: 2492-DMWR-ZZ-A-0100, rev B). The inclusion of relevant datums for ridge, eave and floor levels within the proposed plans confirm that the proposed

development is entirely consistent with previously approved ridge, eave and floor levels, with no increase in height as a consequence of the proposed amendments.

The proposed increase in the length and width of the showroom building does result in an increase in bulk/massing, though, not to a significant degree given the scale of the originally approved structure. The submitted elevations confirm substantial similarities between the proposed showroom and that previously approved, with any increase in the prominence of the building within the landscape as a consequence of its increased horizontal scale/massing not considered to result in unacceptable landscape or visual effects.

The proposed layout remains substantially in accordance with that previously proposed, would maintain the existing treed-hedgerow boundary against the A272 and provide a substantial landscape buffer to the adjacent north and north-west, notwithstanding the reconfiguration of external vehicle display areas. Subject to appropriate conditions requiring the specified use of materials and securing landscape enhancements it is considered that the proposed development is acceptable in respect of its landscape, character and visual effects in compliance with Policies 25, 26, 32 and 33 of the HDPF.

Neighbouring Amenity:

Policy 33 of the HDPF *inter alia* seeks to ensure that development avoids unacceptable harm to the amenities of neighbouring occupiers/users of land, including by way of disturbance, overshadowing and/or loss of privacy.

The approved showroom building is located some distance away from nearby residential property, with the closest dwellings located ~200m south of the site on Newbridge Road and ~170m east of the site inside of the A29. At these distances neighbouring occupiers would not be subject to unacceptable levels of overlooking and/or overshadowing resulting from the proposals.

The proposed amendments are supported by an updated Lighting Assessment, which models a negligible increase in illuminance at the closest residential receptors as a consequence of the proposed development. This is a reasonable conclusion with regard to the sensitive nature of lighting design, the degree of intervening distance and presence of intervening trees and/or topography. Subject to the inclusion of limitations on the use of external lighting and operating ours, as attached to the previous grant of planning permission, it is considered that the development remains acceptable in respect of its effects on neighbouring occupiers in accordance with Policy 33 in this regard.

Highway Safety and Operation:

Paragraph 115 to the NPPF (2023) confirms that development should only be refused or prevented on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

HDPF Policy 40 recognises the significance of sustainable transport in the District, seeking promote a re-balancing in favour of non-car modes of travel as a means of access to jobs, homes, services and facilities. HDPF Policy 40, *inter alia,* provides that development will be supported if it is appropriate in scale to existing transport infrastructure, maintains and improves the existing transport system, includes opportunities for sustainable transport, minimises the need for people to travel and where a choice of transport modes are available and where provided with safe and suitable access for all highways users.

The proposed amendments do not seek any alteration to the public highway access arrangements, which remain as previously approved and are capable of implementation in accordance with extant permissions. While it is recognised that a representation has raised concern with the acceptability of the site as a whole in respect of its highway safety effects, it is not open to the Authority to re-evaluate the acceptability of previous approvals in highways terms through its consideration of this S.73 application.

The amendments proposed are of a minor nature and are not considered of a scale/nature which would result in a significant intensification of vehicle movements. It is not considered, therefore, that the

proposals warrant an update to previously approved Road Safety Audits, or that the effects of the amendments cannot be reasonably assessed without further Audit work.

The response of the Local Highways Authority confirms that the LHA are satisfied that the proposed amendments would not result in any net-changes warranting a change in the LHA's previous recommendations (no objection), and that the proposals would not conflict with NPPF paragraph 115. While this Authority acknowledges the concern expressed within the representation received as to the highway safety effects of the proposal, it is not considered that the proposed amendments would give rise to unacceptable highway safety effects, a cumulative severe effect on road operation or that development would fail to be served by way of a safe and suitable access. The proposed development, therefore, is considered in accordance with HDPF Policy 40 and NPPF paragraph 115.

The accessibility of the site in strategic terms, and in respect of the availability of alternative, sustainable, modes of transport remains as previously approved, notwithstanding the amendments now proposed.

Parking:

Policy 41 of the Horsham District Planning Framework states that development that involved the loss of existing parking spaces will only be allowed if suitable alternative provision has been secured elsewhere. Adequate parking facilities must be provided within the developments to meet the needs of anticipated users.

The proposed amendments would provide for a total of 40x standard car-parking spaces, 2x disabled parking spaces, 2x dedicated electric vehicle charging spaces, 5x bicycle parking spaces and 6x motorcycle parking spaces. The quantum of proposed parking provision is marginally in excess of that previously approved, with the 2x dedicated electric vehicle charging spaces being provided additional to the 42x vehicular spaces lacking charging infrastructure (constituting the approved level of provision). It is considered that the quantum of proposed parking provision is acceptable in relation to the requirements of HDPF Policy 41.

While the detail of additional charging infrastructure is welcomed, the proposed level of provision at 2x spaces (4.5% of total provision) is deemed unsatisfactory for a development of this scale. Previous permissions on the site have incorporated 'pre-occupation' conditions requiring the submission and approval of an electric vehicle charging strategy, prepared with specific regard to relevant Air Quality and Emissions Guidance and adopted LHA guidance. Adopted LHA guidance[1] at Appendix B confirms an expectation for 45% of spaces to be served by active charging facilities for development undertaken from 2024, equivalent to 20x spaces in this instance.

The proposed 2x electric vehicle spaces can be approved, though, do not address and/or obviate the requirements of previous conditions in respect of the necessity for an electric vehicle charging strategy. The need for a similarly worded condition, therefore, remains.

Ecology:

Policies 25 and 31 of the HDPF, *inter alia*, seek to ensure that development safeguards protected and priority species, habitat sites and delivers a proportionate biodiversity net-gain.

The application site falls within a designated 'bat sustenance zone' designated by reason of proximity to The Mens SAC and of significance to commuting and foraging activity undertaken by Barbastelle bats. The original approval was supported by a site-specific ecological appraisal, together with a detailed lighting assessment/strategy designed to ensure the suitability of ecological features for bat foraging and commuting. An appropriate assessment, pursuant to Regulation 63 of the Conservation of Habitats and Species Regulations (2017) was undertaken in conjunction with the original approval, concluding as to the absence of adverse effects upon the integrity of The Mens SAC. Relevant mitigations were secured by condition attached to the original consent.

[1] https://www.westsussex.gov.uk/media/1847/guidance_parking_res_dev.pdf

Originally conducted ecological surveys are out-of-date in accordance with CIEEM guidance, necessitating a re-assessment of the site in order to determine relevant habitats/species effects as identified within the initial response received from the Council's consultant ecologists. A professionally conducted walkover survey, therefore, has been conducted to establish the current condition of the site and the need for any additional species surveys.

The submitted walkover survey identifies that the condition of the site has marginally changed since its original state as an arable field, resulting in the establishment of an improved (non-monoculture) grassland of some suitability for use by reptiles. No need for updated/new specific species surveys was considered, subject to adherence to precautionary measures.

The Mens SAC:

With regard to the potential for effect upon The Mens SAC, the effects of the amended proposal have been assessed within the walkover survey and an amended lighting strategy. These documents, in combination, identify certain measures as a constituent part of the proposed development, including the retention of hedgerows, additional planting, limitations on construction hours and sensitive lighting design. The Council's consultant ecologists have reviewed the updated ecological/lighting reports and are satisfied that the conclusions of the habitats regulations assessment initially conducted in conjunction ref: DC/19/0295 remain valid as to the absence of significant effects upon The Mens SAC and that no need for further habitats assessment, therefore, is necessary. Subject to relevant measures being secured by way of appropriately worded condition, therefore, it is considered that the Authority's duties under the Habitats Regulations are satisfied, in addition to Policy 31 of the HDPF.

Arun Valley SAC, SPA and Ramsar

The application site falls within the Sussex North Water Supply Zone where mains-water is supplied from sources including groundwater abstraction underlying the Arun Valley SAC, SPA and Ramsar. The Natural England 'Position Statement' of September 2021 advises that it cannot be concluded that groundwater abstraction is not adversely impacting upon the integrity of the Arun Valley sites and that development within the WRZ must demonstrate water neutrality in order to avoid contribution to the possibility of adverse effect upon the integrity of relevant sites.

The approved development was permitted in advance of the Natural England Position Statement, has lawfully been implemented (as confirmed by ref: DC/22/1788) and is capable of construction in accordance with the permission granted pursuant to ref: DC/19/0295 and DC/20/1165.

Relative to the existing consent, the amendments sought would provide additional internal showroom space in lieu of external display space. The total increase amounts to ~180m^2 of additional gross-internal area. With regard to the nature of this additional floorspace, it not considered that the proposed amendments would sustain any greater level of employment and/or alternative source of mains water consumption in excess of the additional level of mains-water demand to be derived from the approved development. It is, therefore, considered that the proposed amendments would not give rise to the possibility of significant effect upon the integrity of the Arun Valley SAC, SPA and Ramsar by way of increased demand for mains-water resources.

Other Matters:

It is not considered that the proposed amendments would result in the extinguishment of archaeological resources, with archaeological investigations/recording underway in accordance with a previously agreed Written Scheme of Investigation. The proposed amendments are not considered to adversely affect the setting of any other heritage asset, including St Mary's Church, consistent with the previous assessment of the approved development.

The proposed amendments are not considered to exacerbate the air-quality effects of the development, though, the need to re-incorporate a condition requiring the approval and agreement of an air-quality management and mitigation plan remains.

The proposed amendments are, similarly, not considered to effect any change to the acceptability of the approved development in respect of its drainage/flood-risk effects. The need to reincorporate relevant conditions as previously attached to the grant of planning permission also remains.

Conclusions and Planning Balance:

The proposed amendments would involve the use of land beyond a defined settlement boundary in conflict with the spatial and countryside protection policies of the development plan. The principle of development, as a departure from the provisions of the development plan, however, is already established by the previous grant of planning permission.

The proposed amendments are considered acceptable in respect of their effects upon local character and appearance, heritage, neighbouring amenity, ecology and highway safety and operation, subject to the inclusion of relevant conditions.

It is, therefore, considered that planning permission can be granted pursuant to S.73 of the Town and Country Planning Act 1990.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

It is considered that this development constitutes CIL liable development.

Use Description	Proposed	Existing	Net Gain
All Other Development	1,095	0	1,095
		Total Gain	**1,095**
		Total Demolition	**0**

Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change.

Exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

Recommendation: Application Permitted

Conditions:

1. **Plans list**

2. **Regulatory (Time) Condition:**

(a) Approval of details relating to Phase 2 of the development as shown on the approved Phasing Plan [WYG-A101561-01D], including details relating to the scale and appearance of each building, access within the site, and landscaping of the development (hereinafter called "the Reserved Matters"); shall be obtained from the Local Planning Authority in writing before any development of this phase is commenced.

(b) Plans and particulars of the Reserved Matters referred to in condition (a) above, relating to the layout of the development, the scale of each building, the appearance of each building, access within the site and the landscaping of the development shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

(c) Application for approval of the Reserved Matters shall be made to the Local Planning Authority before 10 July 2021.
(d) The development of Phase 2 of the development hereby permitted shall be begun either before 10 January 2023, or before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development of the Outline element in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

3. **Pre-Commencement Condition:** No development within Phase 1b of the development hereby permitted shall commence until a detailed strategy for the disposal of surface and foul water, including finalised surface water drainage designs and calculations for this part of the site, and a Surface Water Drainage Statement (based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development) have been submitted to and approved in writing by the Local Planning Authority. The drainage designs shall be coordinated with a detailed landscape scheme, and should demonstrate that the surface water runoff generated up to and including the 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event. The drainage scheme shall subsequently be implemented prior to first occupation in accordance with the approved details and thereafter retained as such.

The development of Phase 1a of the site hereby approved, shall take place in full accordance with the drainage details submitted to and approved by the Council under application reference DISC/20/0101.

Reason: As this matter is fundamental to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015).

4. **Pre-Commencement Condition:** No development within Phases 1a and 1b of the development hereby permitted, including ground clearance pursuant to the permission granted, or bringing equipment, machinery or materials onto the site, shall take place until the following preliminaries have been completed in the sequence set out below:

- All hedgerows, trees and vegetation insofar as relates to that phase shown for retention on Landscape Mitigation strategy reference [A101561-1 LA10 Rev A.dwg], 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.

Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees or hedging plants of a type, size and in positions agreed by the Local Planning Authority.

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).

5. **Pre-Occupation Condition:** Prior to the first use of any part of Phases 1a and 1b of the development hereby permitted, full details of all hard and soft landscaping works relevant to that phase, 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 hard surfacing materials and finishes;
- Details of all boundary treatments;Ecological enhancement measures and recommendations set out within the Ecological Appraisal (Rev 3, July 2019), Dormouse Survey Report (Rev 3, July 2019), Ecology Walkover Report [A117348, dated 09 April 2020], Revised Lighting Assessment [A117348 Issue 3, dated 30 April 2020] Updated Ecology Walkover and Ecology Review [B033054, dated 12 January 2024], and Lighting Assessment [A101563-3 Issue 3, dated 31 January 2024]

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 insofar as relates to that phase. 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 with Policy 33 of the Horsham District Planning Framework (2015).

6. **Pre-Occupation Condition:** Prior to the first use of any part of Phase 1a of the development hereby permitted, details of the proposed acoustic fence (including location and appearance) shall have been submitted to and approved in writing by the Local Planning Authority. No use hereby permitted shall commence until the acoustic fence has been implemented as approved. The acoustic fence shall thereafter be maintained in accordance with the approved details.

Reason: In the interests of visual and residential amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

7. **Pre-Occupation Condition:** Prior to the first use of any part of Phase 1a or 1b of the development hereby permitted, a Landscape and SuDS Management and Maintenance Plan (including long term design objectives, management responsibilities, a description of landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility) for all landscape areas and SuDS infrastructure (existing and proposed) relating to that phase of development, shall have been submitted to and approved in writing by the Local Planning Authority. The landscape areas shall thereafter be managed and maintained in accordance with the approved details.

Reason: To ensure a satisfactory development and in the interests of visual amenity and nature conservation in accordance with Policies 25, 31 and 33 of the Horsham District Planning Framework (2015).

8. **Pre-Occupation Condition:** Prior to the first use of any part of Phase 1a or 1b of the development hereby permitted, a verification report demonstrating that the SuDS drainage system has been constructed in accordance with the approved design drawings relating to that phase of development shall be submitted to and approved by the Local Planning Authority. The development shall be maintained in accordance with the approved report.

Reason: To ensure a SuDS drainage system has been provided to an acceptable standard to the reduce risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015).

9. **Pre-Occupation Condition:** Within 3 months of the first use of any part of Phase 1a or 1b of the development hereby permitted, a post-completion noise assessment relating to that phase of development, shall be undertaken to confirm that each building performs in accordance with the conclusions of the Noise Assessment prepared by WYG and dated January 2019. Any additional steps required to mitigate noise shall be detailed and implemented, as necessary. The post-completion noise assessment shall be submitted to and approved in writing by the Local Planning Authority, and the details as approved shall thereafter be permanently retained.

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

10. **Pre-Occupation Condition:** Prior to the first use of any part of Phase 1a or 1b of the development hereby permitted, a scheme of air quality mitigation (including the provision for the charging of electric vehicles by way of both fast and rapid charging points) relating to that phase of development, shall have been submitted to and been approved in writing by the Local Planning Authority. The details shall have regard to the Council's latest air quality guidance, as well as West Sussex County Council's 'Guidance on Parking at New Developments' (May 2019) to ensure that the minimum number of rapid/fast electric vehicle charging points are provided.

Reason: To mitigate the impact of the development on air quality within the District, to sustain compliance with and contribute towards national objectives for the emission of pollutants and to promote the use of electric vehicles in accordance with Policies 24 and 41 of the Horsham District Planning Framework (2015).

11. **Pre-Occupation Condition:** Prior to the first use of any part of Phase 1a or 1b of the development hereby permitted, a Travel Plan relating to that phase of development shall have been submitted to and approved in writing by the Local Planning Authority. 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, and shall include details to mitigate impacts on air quality as set out in the Council's latest air quality guidance, as well as provisions contained within West Sussex County Council's 'Guidance on Parking at New Developments' (May 2019). The applicant shall use all reasonable endeavours to work with other businesses in the immediate area to co-ordinate the measures within the Travel Plan. The Travel Plan once approved shall thereafter be implemented as specified within the approved document.

Reason: To encourage and promote sustainable transport and mitigate the impacts of the development on air quality in accordance with Policies 35, 40 & 41 of the Horsham District Planning Framework (2015).

12. **Pre-Occupation Condition:** Prior to the first use of any part of Phase 1a or 1b of the development hereby permitted, details for the provision and storage of refuse and recycling bins shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include the size of bins, their location, means of enclosure and the details of the proposed refuse collector, relating to that phase of development. These facilities shall thereafter be retained for use at all times in accordance with the approved details.

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

13. **Pre-Occupation Condition:** Prior to the first use of any part of Phase 1a or 1b of the development hereby permitted, the vehicle parking and turning spaces shown on approved masterplan [CHQ.18.15646-PL03E] which relate to that phase of development, shall have been constructed and made available for use. The vehicle parking spaces shall show a minimum of 2x disable parking bays within each of Phase 1a and 1b of the site. The vehicle parking spaces shall thereafter be retained at all times for their designated use.

Reason: To ensure adequate parking facilities are available to serve the development in accordance with Policy 41 of the Horsham District Planning Framework (2015).

14. **Pre-Occupation Condition:** Prior to the first use of any part of Phase 1a or 1b of the development hereby permitted, details of secure and covered cycle parking facilities relating to that phase of development shall have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking facilities shall implemented in accordance with the approved details, and thereafter be retained at all times for their designated use.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies, and to ensure that there is adequate provision for the parking of cycles in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015).

15. **Pre-Occupation Condition:** Prior to the first use of any part of the development hereby permitted, the vehicular access, Right Turn Lane, and VMS signage serving the development shall have been constructed in accordance with the details shown on the drawing titled 'Visibility Splays' and numbered [A101561-1800 Rev P2].

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

16. **Pre-Occupation Condition:** Prior to the first use of any part of the development hereby permitted, the proposed footway and pedestrian at-grade crossing at the north-east of the site (linking the development to the existing footpath network) shall have been implemented in accordance with the approved details.

Reason: To encourage and promote sustainable transport and mitigate the impacts of the development on air quality in accordance with Policies 35, 40 & 41 of the Horsham District Planning Framework (2015).

17. **Pre-Occupation Condition:** Prior to the first use of any part of the development hereby permitted, visibility splays of 4.5 meters by 120 and 87 meters shall have been provided at the proposed site vehicular access onto the A272 in accordance with the approved planning drawing titled 'Visibility Splays' and numbered [A101561-1800 Rev P2]. 160 metre forward visibility splays shall also have been provided onto the A272 in accordance with the approved planning drawing titled 'Visibility Splays' and numbered [A101561-1800 Rev P2]. Once provided, the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6m above adjoining carriageway level, or as otherwise agreed.

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

18. **Pre-Occupation Condition:** Prior to the first use of any part of the development hereby permitted, a fire hydrant shall have been installed in the location shown on the 'Fire Hydrant Local Plan' (received by the Council on 04.09.2020). The fire hydrant shall be installed to BS 750 standards, and shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

Reason: In the interests of amenity and in accordance with Policies 32, 33 and 39 of the Horsham District Planning Framework 2015), as well as the Fire and Rescue Services Act 2004

19. **Regulatory Condition:** All works within Phase 1a and 1b of the development hereby permitted shall be carried out in full accordance with the mitigation and enhancement measures and/or works contained within the following documents: Ecological Appraisal [WYG Version 3, submitted 16th July 2019], Bat Activity Report [WYG Version 2, submitted 16 July 2019], Final Dormouse Survey Report [WYG Version 3, submitted 16 July 2019], Updated Ecology Walkover Report [A117348, dated 09 April 2020], Revised Lighting Assessment [A117348 Issue 3, dated 30 April 2020], Updated Ecology Walkover and Ecology Review [B033054, dated 12 January 2024], and Lighting Assessment [A101563-3 Issue 3, dated 31 January 2024]

Reason: To conserve and enhance protected and priority species in accordance with the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981, s40 of the NERC Act 2006, and Policy 31 of the Horsham District Planning Framework (2015).

20. **Regulatory Condition:** No deliveries or dispatches (excluding deliveries of fuel) shall take place within Phase 1a or 1b of the development hereby permitted, except between the hours of 06:00 to 23:00 Monday to Saturday, and 07:00 to 20:00 on Sundays and public holidays.

Reason: To safeguard the tranquillity of the countryside and amenities of neighbouring occupiers in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015).

21. **Regulatory Condition:** No B2 manufacturing processes shall take place in connection with any buildings within Phase 1b shown on the site masterplan [ref: CHQ.18.15464-PL03E] and Phasing Plan [WYG-A101561-01D], except between the hours of 07:00 to 23:00 Monday to Sunday.

Reason: To safeguard the tranquillity of the countryside and amenities of neighbouring occupiers in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015).

22. **Regulatory Condition:** The car wash and jet wash facilities shown on the site masterplan [ref: CHQ.18.15464-PL03E] hereby permitted, shall not be operated except between the hours of 07:00 to 22:00 Monday to Sunday.

Reason: To safeguard the tranquillity of the countryside and amenities of neighbouring occupiers in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015).

23. **Regulatory Condition:** No external lighting or floodlighting shall be installed within Phase 1a of the development hereby permitted other than in strict accordance with details contained within the updated Lighting Assessment [Issue 3, received 24 June 2020]. Particular regard should be made to the lighting locations and details shown within [Figure 5: Simplified Lighting Scheme], and the lux levels shown within plan reference [001 Rev 4] contained within Appendix A.

Within Phase 1b no external lighting or floodlighting shall be installed other than in strict accordance with details contained within the approved Lighting Assessment [A101563-3 Issue 3, dated 31 January 2024]. Particular regard should be made to the indicative lighting locations, luminaire types and details shown at figure 5.1 of the Lighting Assessment and modelled illuminance levels at ecological receptors E1-E4 at table 5.2.

All such lighting shall be maintained in accordance with the details contained within the Lighting Assessments.

Reason: To safeguard the ecology and tranquillity of the countryside and amenities of adjacent occupiers in accordance with Policies 24, 25, 26, 31 & 33 of the Horsham District Planning Framework (2015).

24. **Regulatory Condition:** No externally located plant or equipment within Phase 1a or 1b of the development hereby permitted shall be installed or operated without the prior written approval of the Local Planning Authority by way of formal application.

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

25. **Regulatory Condition:** No external storage of any materials or waste shall take place at any time within Phase 1a or 1b of the development hereby permitted.

Reason: To safeguard the amenities of the locality in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

26. **Regulatory Condition:** No works for the implementation of Phase 1a or 1b 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).

27. **Regulatory Condition:** The development of Phase 1a of the site hereby approved, shall take place in full accordance with the external levels plan [0100 Rev P1] submitted to and approved by the Council pursuant to application reference DISC/20/0101 (dated 15 July 2020).

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).

28. **Regulatory Condition:** The development of Phase 1a of the site hereby approved, shall take place in full accordance with the ground investigation details submitted to and approved by the Council under application reference DISC/20/0101.

The development of Phase 1b shall be undertaken in strict accordance with Geo-Environmental Desk Study Report [ref: GE22224 – DSv2WH240304 version 1.0, dated: March 4th 2024] as approved by the Local Planning Authority pursuant to reference: DISC/24/0037.

Reason: As this matter is fundamental 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).

29. **Regulatory Condition:** The development of Phase 1a of the site hereby approved, shall take place in full accordance with the CEMP details submitted to and approved by the Council under application reference DISC/20/0101.

The development of Phase 1b of the site hereby approved shall be undertaken in full accordance with the Construction Environmental Management Plan (CEMP) [H2Ogeo, ref: 20231101P1, version 2.0, dated 20.05.2024] submitted to and approved by the Council pursuant to application reference DISC/24/0037.

Reason: As this matter is fundamental in the interests of good site management, highway safety, and to protect the amenities of adjacent businesses and residents during construction works to accord with Policies 33 & 40 of the Horsham District Planning Framework (2015).

30. **Regulatory Condition:** The development of Phase 1a and Phase 1b of the site hereby approved, shall take place in full accordance with the archaeological details submitted to and approved by the Council under application references DISC/20/0101 and DISC/20/0192.

Reason: This matter is fundamental as the site is of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development in accordance with Policy 34 of the Horsham District Planning Framework (2015).

Phase 2 Conditions:

31. **Pre-Commencement Condition:** No development within Phase 2 of the development hereby permitted, including any ground clearance or site levelling, shall commence until a Construction Environment Management Plan (CEMP) for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The approved CEMP shall accord

with the details contained within the Phase 1a and 1b CEMPs, and shall be a single document covering the development of that phase, and shall be strictly adhered to throughout the construction period. The CEMP shall provide for, but not be limited to:

i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
ii. A description of management responsibilities;
iii. A description of the construction programme which identifies activities likely to cause high levels of noise or dust;
iv. Site working hours and a named person for residents to contact;
v. Detailed Site logistics arrangements;
vi. Details regarding parking, deliveries, and storage;
vii. The anticipated number, frequency and types of vehicles used during construction;
viii. Details of construction traffic routing, including site access;
ix. Details of any construction-related floodlighting, including location, height, type, timing and direction of light sources and intensity of illumination;
x. Details regarding dust and noise (including vibration) mitigation measures to be deployed including identification of sensitive receptors and ongoing monitoring;
xi. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;
xii. Communication procedures with the local community regarding key construction issues - newsletters, fliers etc.
xiii. Locations and details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
xiv. The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
xv. Details of a scheme for the recycling/disposing of waste resulting from site clearance and construction works.

Reason: As this matter is fundamental in the interests of good site management, highway safety, and to protect the amenities of adjacent businesses and residents during construction works to accord with Policies 33 & 40 of the Horsham District Planning Framework (2015).

32. **Pre-Commencement Condition:** No development within Phase 2 of the development hereby permitted shall commence, including demolition 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 hedgerows, trees and vegetation on the site shown for retention on Landscape Mitigation strategy reference [A101561-1 LA10 Rev A.dwg], 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.

Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees or hedging plants of a type, size and in positions agreed by the Local Planning Authority.

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).

33. **Pre-Commencement Condition:** No development within Phase 2 of the development hereby permitted shall commence until a detailed surface water drainage scheme including finalised surface water drainage designs and calculations for this phase, and a Surface Water Drainage Statement (based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development) have been submitted to and approved in writing by the Local Planning Authority. The drainage designs shall show full coordination with a detailed landscape scheme, and should demonstrate that the surface water runoff generated up to and including the 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event. The drainage scheme shall subsequently be implemented prior to first occupation in accordance with the approved details and thereafter retained as such.

Reason: As this matter is fundamental to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015).

34. **Pre-Commencement Condition:** No development within Phase 2 of the development hereby permitted shall commence until a Drainage Strategy detailing the proposed means of foul and surface water disposal within this phase 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).

35. **Pre-Commencement Condition:**

(i) No development within Phase 2 of the development hereby permitted shall take place until a programme of archaeological work for this phase has been secured in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

(ii) Phase 2 of the development hereby permitted shall not be commenced until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under part [i] of this condition, and that provision for analysis, publication and dissemination of results and archive deposition has been secured and approved by the Local Planning Authority in writing.

Reason: This matter is fundamental as the site is of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development in accordance with Policy 34 of the Horsham District Planning Framework (2015).

36. **Pre-Commencement Condition:** No development within Phase 2 of the development hereby permitted, including any ground clearance or site levelling, shall commence until the following components of a scheme to deal with the risks associated with contamination within this phase, (including asbestos contamination), has be submitted to and approved in writing, by the Local Planning Authority:

(a) A preliminary risk assessment which has identified;
- All previous uses;
- Potential contaminants associated with those uses;
- A conceptual model of the site indicating sources, pathways and receptors;
- Potentially unacceptable risks arising from contamination at the site.

The following aspects (b) – (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

(b) An intrusive site investigation scheme, based on (a) to provide information for a

detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.

(c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal.

(d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

The development shall thereafter be carried out in accordance with the approved details. Any changes to these components require the consent of the local planning authority.

Reason: As this matter is fundamental 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).

37. **Pre-Commencement Condition:** No site levelling works within Phase 2 of the development hereby permitted shall take place until full details of the existing and final land levels and finished floor levels to be provided for development within that phase (in relation to nearby datum points) have been submitted to and approved by the Local Planning Authority in writing. The details shall include the proposed grading of land areas including the levels and contours to be formed, showing the relationship of proposed land levels to existing vegetation and surrounding landform. The site levelling works shall be completed in accordance with approved details prior to the commencement of development of any building within Phase 2.

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).

38. **Pre-Occupation Condition:** The use within Phase 2 hereby permitted shall not commence until a Noise Management Plan has been submitted and approved in writing by the Local Planning Authority. The Plan shall include but not be limited to, hours of operation, management responsibilities during all operating hours, measures to control noise from all activities and operations at the site (including the operation of any equipment plant, or building services) and minimising noise from vehicles, deliveries, collections and servicing. The Noise Management Plan shall be regularly reviewed to ensure that it takes account of current operational practices at the site. Where any activities or operations that give rise to concerns of impact to local amenity are received by the operator or the Local Planning Authority, the Noise Management Plan shall be reviewed. Any changes to the Noise Management Plan necessary to address these concerns shall implemented to the satisfaction of the Local Planning Authority. The use hereby permitted shall thereafter be operated in accordance with the approved details.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with Polices 33 and 40 of the Horsham District Planning Framework (2015).

39. **Pre-Occupation Condition:** Prior to the first use of any part of Phase 2 of the development hereby permitted, full details of all hard and soft landscaping works 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 hard surfacing materials and finishes;
- Details of all boundary treatments;
- Details of all external lighting

- Ecological enhancement measures and recommendations set out within the Ecological Appraisal (Rev 3, July 2019).

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 with Policy 33 of the Horsham District Planning Framework (2015).

40. **Pre-Occupation Condition:** Prior to the first use of any part of Phase 2 of the development hereby permitted, a Landscape and SuDS Management and Maintenance Plan (including long term design objectives, management responsibilities, a description of landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility) for all landscape areas and SuDS infrastructure (existing and proposed) shall have been submitted to and approved in writing by the Local Planning Authority. The landscape areas shall thereafter be managed and maintained in accordance with the approved details.

Reason: To ensure a satisfactory development and in the interests of visual amenity and nature conservation in accordance with Policies 25, 31 and 33 of the Horsham District Planning Framework (2015).

41. **Pre-Occupation Condition:** Prior to the first use of any part of Phase 2 of the development hereby permitted, a verification report demonstrating that the SuDS drainage system has been constructed in accordance with the approved design drawings shall be submitted to and approved by the Local Planning Authority. The development shall be maintained in accordance with the approved report.

Reason: To ensure a SuDS drainage system has been provided to an acceptable standard to the reduce risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015)

42. **Pre-Occupation Condition:** Prior to the first use of any part of Phase 2 of the development hereby permitted, a scheme of air quality mitigation (including the provision for the charging of electric vehicles by way of both fast and rapid charging points) shall have been submitted to and been approved in writing by the Local Planning Authority. The details shall have regard to the Council's latest air quality guidance, as well as West Sussex County Council's 'Guidance on Parking at New Developments' (May 2019) to ensure that the minimum number of rapid/fast electric vehicle charging points are provided.

Reason: To mitigate the impact of the development on air quality within the District, to sustain compliance with and contribute towards national objectives for the emission of pollutants and to promote the use of electric vehicles in accordance with Policies 24 and 41 of the Horsham District Planning Framework (2015).

43. **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of Phase 2 of the development hereby permitted, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. 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, and shall include details to mitigate impacts on air quality as set out the Council's latest air quality guidance. The applicant shall use all reasonable endeavours to work with other businesses in the immediate area to co-ordinate the measures within the Travel Plan. The Travel Plan once approved shall thereafter be implemented as specified within the approved document.

Reason: To encourage and promote sustainable transport and mitigate the impacts of the development on air quality in accordance with Policies 35, 40 & 41 of the Horsham District Planning Framework (2015).

44. **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of Phase 2 of the development hereby permitted, full details of the proposed footpath link along the eastern boundary to the existing footbridge as shown on approved masterplan reference [CHQ.18.15646-PL03E] shall have been submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate that the potential for use of this footpath for cyclists has been explored. The footpath shall be implemented in accordance with the approved details prior to the first occupation (or use) of any part of Phase 2, and maintained
as such thereafter.

Reason: To encourage and promote sustainable travel options to the site, and in the interests of visual amenity in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

45. **Regulatory Condition:** All works within Phase 2 of the development hereby permitted shall be carried out in full accordance with the mitigation and enhancement measures and/or works contained within the following documents: Ecological Appraisal [WYG Version 3, submitted 16th July 2019], Bat Activity Report [WYG Version 2, submitted 16 July 2019], Final Dormouse Survey Report [WYG Version 3, submitted 16 July 2019], Updated Ecology Walkover Report [A117348, dated 09 April 2020], and Revised Lighting Assessment [A117348 Issue 3, dated
30 April 2020].

Reason: To conserve and enhance protected and priority species in accordance with the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981, s40 of the NERC Act 2006, and Policy 31 of the Horsham District Planning Framework (2015).

46. **Regulatory Condition:** No operations or activities, including the operation of plant and machinery and deliveries/dispatches, shall take place in connection with any of the units within Phase 2 of the development hereby permitted; except between the hours of 06:00 to 23:00 Mondays to Saturdays, and 07:00-20:00 on Sundays and public holidays.

Reason: To safeguard the ecology and tranquillity of the countryside and amenities of adjacent occupiers in accordance with Policies 24, 25, 26, 31 & 33 of the Horsham District Planning Framework (2015).

47. **Regulatory Condition:** No external lighting, other than low level lighting to emergency exits, shall be operated within Phase 2 between the hours of 23:00 to 06:00 hours the following day on Mondays to Fridays, 23:00 to 07:00 hours the following day on Saturdays, and 20:00 to 06:00 hours the following day on Sundays and public holidays.

Reason: To safeguard the ecology and tranquillity of the countryside and amenities of adjacent occupiers in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015).

48. **Regulatory Condition:** No externally located plant or equipment within Phase 2 shall be installed or operated without the prior written approval of the Local Planning Authority by way of formal application.

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

49. **Regulatory Condition:** Following first occupation of each unit within Phase 2 of the development hereby approved, no mezzanine or additional floor levels (other than those identified on the approved drawings listed in Condition 1) shall be constructed within any unit without express planning consent from the Local Planning Authority first being obtained.

Reason: Reason: To ensure the traffic generation form the site is sustainable having regard the car park facilities within the wider development to ensure no overspill parking into surrounding roads to accord with Policies 40 & 41 of the Horsham District Planning Framework (2015).

50. **Regulatory Condition:** No external storage of any materials or waste shall take place at any time within Phase 2 of the development hereby permitted without the prior approval in writing of the Local Planning Authority.

Reason: To safeguard the amenities of the locality in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

51. **Regulatory Condition:** No works for the implementation of Phase 2 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).

52. **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order) no development falling within Classes F, G, H and J of Part 7 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage(s) of buildings within Phase 2 the development hereby permitted, without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity to protect the rural character of the area in accordance with Policies 25, 26, 27 & 33 of the Horsham District Planning Framework (2015).

53. **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), no change of use of the units within Phase 2 of the development hereby permitted from the uses granted for that unit by this permission shall take place without express planning consent from the Local Planning Authority first being obtained.

Reason: To ensure the development remains in employment use in accordance with Policies 7 & 9 of the Horsham District Planning Framework (2015).

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: DC/23/1892

(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	Ecological Walkover Survey	784-B033054	12.01.2024
Supporting Statement	Lighting Assessment	784-A101561-3	31.01.2024
Site plan		3492-DMWR-RF-	13.10.2023

		A-PL099	
Site plan	Overlay	3492-DMWR-RF-A-PL100	13.10.2023
Section plan		3492-DMWR-XX-A-PL101	13.10.2023
Floor plan	Proposed Ground and First	3492-DMWR-ZZ-A-0100, REV B	13.10.2023
Elevation plan	Proposed Showroom	3492-DMWR-ZZ-A-0200, REV B	13.10.2023
Supporting Statement	Cover letter	EJ/GM/97321	13.10.2023
Supporting Statement	Water Neutrality	EJ/GM/97321	13.10.2023
Details plan	Landscape Mitigation Strategy	A101561-1 LA10A.dwg	07.11.2019
Location plan	Location Plan	15464-PL01	07.02.2019
Site plan	Existing	6830-PL02	07.02.2019
Site plan	Proposed Masterplan	15464-PL03 E	24.06.2020
Details plan	Phasing Plan	WYG-A101561-01 D	20.09.2020
Floor plan	PFS Proposed Floor Plan	6830-P04	07.02.2019
Roof plan	PFS Proposed Roof Plan	6830-P05	07.02.2019
Elevation plan	PFS Proposed Elevations	6830-P03	07.02.2019
Site plan	PFS Proposed Site Plan	6830-P02	07.02.2019
Details plan	Highways General Arrangement	A101561-1100	16.10.2019
Details plan	Tree Constraints Plan	NONE	07.02.2019
Floor plan	Triumph (Showroom 2) Roof/Floor Plans	3492-DMWR-ZZ-DR-A-PL500	24.06.2020
Elevation plan	Triumph (Showroom 2) Elevations	3492-DMWR-ZZ-DR-A-PL501	24.06.2020
Details plan	First Hydrant Location Plan	NONE	04.09.2020
Supporting Statement	Air Quality Assessment	NONE	04.09.2020
Supporting Statement	Air Quality Additional Note	NONE	07.05.2019
Supporting Statement	Ecological Appraisal	V3	16.07.2019
Supporting Statement	Bat Activity Report	V2	16.07.2019
Supporting Statement	Interim Dormouse Survey	NONE	07.02.2019
Supporting Statement	Final Dormouse Survey	NONE	16.07.2019
Supporting Statement	Report to Inform HRA	V2	16.07.2019
Supporting Statement	Ecological Walkover Letter Report	A101561-1	24.06.2020
Supporting Statement	Energy Statement	NONE	07.02.2019
Supporting Statement	FRA and Drainage Strategy	NONE	07.02.2019
Supporting Statement	LVIA	A101561-1 V4	24.06.2020
Supporting Statement	Lighting Assessment	A117348 Issue 3	24.06.2020
Supporting Statement	Noise Report	NONE	07.02.2019
Supporting Statement	Road Design Audit	NONE	22.10.2019

Supporting Statement	Sequential Test	NONE	11.04.2019
Supporting Statement	Transport Assessment (Parts 1-4)	A101561	07.02.2019
Supporting Statement	Transport Assessment - Techincal Note	A101561-1 Note 05	16.07.2019
Supporting Statement	Travel Plan	A101651-1	07.02.2019
Supporting Statement	Tree Survey	NONE	07.02.2019
Supporting Statement	Covering Letter	NONE	14.03.2024
Details plan	Existing and Proposed Levels	3492-DMWR-RF-A-SK200	14.03.2024
Supporting Statement	Desk Study Contamination Report Part 1-5	NONE	24.03.2024
Supporting Statement	CEMP Report	NONE	14.03.2024

DELEGATED

Case Officer sign/initial Giles Holbrook Date: 25.06.2024

Authorising Officer sign/initial Adrian Smith Date: 27/06/2024