



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DISC/26/0059

Denver Storage, Okehurst Lane, Billingshurst, West Sussex, RH14 9HR

DESCRIPTION:

Application for Approval of Details Reserved by Condition 3, 4, 5, 6, 7, 8, 9, 10 and 12 to approved application DC/22/1458.

RELEVANT PLANNING HISTORY:

DC/22/1458	Demolition of the existing building and erection of 3no storage units (Use Class B8), incorporating vehicular access, landscaping, and on-site parking provision	Application Permitted on 05.06.2024
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PLANNING ASSESSMENT

Planning Application DC/22/1458 was granted consent on 05 June 2024. This permission was for the following:

Demolition of the existing building and erection of 3no storage units (Use Class B8), incorporating vehicular access, landscaping, and on-site parking provision.

Consent is sought to discharge the details reserved by conditions 3, 4, 5, 6, 7, 8, 9, 10 and 12. The application originally sought to discharge condition 11, however this has subsequently been removed as the applicant has stated a wish to remove condition 11 altogether via a s.73 amendment to the application.

Condition 3:

Pre-Commencement Condition: No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site 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) - (c) 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 a verification plan providing details of what data will be collected in order to demonstrate that the remedial works are complete.

The scheme shall be implemented as approved. 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).

The applicant has submitted the following documents to satisfy Condition 3:

- Contamination Risk Assessment (EAS Ltd, December 2024)
- Contamination Risk Assessment Addendum (EAS Ltd, May 2026).

These documents have been reviewed by the Council's Environmental Health Officer who has advised there is insufficient information available to discharge Condition 3 at this time. The applicant was unable to submit the required information within the timeframes outlined and thus the requirements of this condition have not been satisfied.

Condition 4:

Pre-Commencement Condition: *No soils shall be imported or re-used within the development site until the developer has submitted details of the chemical testing and assessment of the soils which demonstrates the suitability of the soils for the proposed use. The assessment shall be undertaken by a suitably qualified and competent person and full details shall be submitted to and approved in writing by the local planning authority. Prior to the first occupation (or use) of any part of the development hereby permitted, a written verification report shall be submitted which demonstrates only soils suitable for the proposed use have been placed. The verification report shall be submitted and approved, in writing, by 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).

The applicant has submitted the following documents to satisfy Condition 4:

- Contamination Risk Assessment (EAS Ltd, December 2024)
- Contamination Risk Assessment Addendum (EAS Ltd, May 2026).

These documents have been reviewed by the Council's Environmental Health Officer who has advised there is insufficient information available to discharge Condition 4 at this time. The applicant was unable to submit the required information within the timeframes outlined and thus the requirements of this condition have not been satisfied.

Condition 5:

Pre-Commencement Condition: *No works pursuant to this permission shall commence until a method statement for the safe removal and disposal of asbestos containing materials has been submitted to and approved in writing by 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).

The applicant has submitted an Asbestos Demolition Report (Crucial Environmental, ref. C-31048) to satisfy Condition 5 which has been reviewed by the Council's Environmental Health Officer. They have advised that the submitted report does not constitute 'a method statement for the safe removal and disposal of asbestos containing materials' and are therefore unable to recommend the discharge of Condition 5.

The applicant was unable to submit information to rectify the above within the timeframes outlined and thus the requirements of this condition have not been satisfied.

Condition 6:

Pre-Commencement Condition: *Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, Drainage Statement including Flood Risk by The Civil Engineering Practice, 10th November 2023, version 1.2 and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.*

Reason: *To ensure that the development achieves a high standard of sustainability and to comply with NPPF and Policy 38 in the Horsham District Planning Framework and Policy BILL 16 of the Billingshurst Neighbourhood Plan (2021).*

To satisfy the requirements of Condition 6, the applicant has submitted the following documents:

- Site Layout – Proposed Drainage and Levels (The Civil Engineering Practice, 04 February 2025)
- Interim Drainage Maintenance and Management Plan (The Civil Engineering Practice, 10 February 2025)
- Construction Details Plan (Ref: 501)
- Construction Details Plan (Ref: 502)
- Method of Construction Statement and Working Method Statement (V1.0).

The Lead Local Flood Authority has been consulted on the above documents and advised that they are satisfied that they contain the information required to discharge Condition 6.

Condition 7:

Pre-Commencement Condition: *The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:*

- I. a timetable for its implementation,*
- II. details of SuDS features and connecting drainage structures and maintenance requirement for each aspect*
- III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other*

arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy 38 in the Horsham District Planning Framework and Policy BILL 16 of the Billingshurst Neighbourhood Plan (2021).

To satisfy the requirements of Condition 7, the applicant has submitted the following documents:

- Site Layout – Proposed Drainage and Levels (The Civil Engineering Practice, 04 February 2025)
- Interim Drainage Maintenance and Management Plan (The Civil Engineering Practice, 10 February 2025)
- Construction Details Plan (Ref: 501)
- Construction Details Plan (Ref: 502)
- Method of Construction Statement and Working Method Statement (V1.0).

The Lead Local Flood Authority has been consulted on the above documents and advised that they are satisfied that they contain the information required to discharge Condition 7.

Condition 8:

Pre-Commencement Condition: Any works which will impact the breeding / resting place of bats, shall not in in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- b) evidence of site registration supplied by an individual registered to use a Bat Mitigation Class Licence; or
- c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998 in accordance with Policy 31 of the Horsham District Planning Framework (2015)

To satisfy the requirements of this condition the applicant has submitted a copy of the Bat Earned Recognition Class Licence (ref. WML-CL47) granted by Natural England, which was initially accepted by the Council's Ecological Consultant. However, the licence expired in December 2025 and is therefore no longer valid. The applicant has been advised that either a new licence should be applied for from Natural England, or alternatively evidence submitted demonstrating that the relevant works were undertaken within the licence period (19 May-31 December 2025).

Neither an updated licence or the evidence requested above was provided by the applicant and the condition has therefore not been satisfied at this time.

Condition 9:

Pre-Commencement Condition: No development 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 trees on the site shown for retention on approved drawing number [insert number],

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).

To satisfy the requirements of Condition 9 the applicant has submitted the following documents:

- Arboricultural Impact Assessment and Method Statement (Lizard Landscape Design and Ecology, April 2025).
- Tree Retention and Protection Plan LLD3370-ARB-001 REV 00
- Tree Retention and Protection Plan LLD3370-ARB-002 REV 00

The Council's Arboricultural Officer has been consulted on the above documents and advised that they are acceptable in principle, subject to strict compliance. It has been recommended that the tree protection fencing be inspected by the supervising arboriculturalist and work commences only on their approval. This has been added as an informative.

The requirements of the condition have been satisfied.

Condition 10:

Pre-Commencement Condition: *No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until an Arboricultural Method Statement detailing all trees/hedgerows on site and adjacent to the site to be retained during construction works, and measures to provide for their protection throughout all construction works, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and thereafter carried out at all times strictly in accordance with the agreed details. 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).

To satisfy the requirements of Condition 10 the applicant has submitted the following documents:

- Arboricultural Impact Assessment and Method Statement (Lizard Landscape Design and Ecology, April 2025).
- Tree Retention and Protection Plan LLD3370-ARB-001 REV 00
- Tree Retention and Protection Plan LLD3370-ARB-002 REV 00

The Council's Arboricultural Officer has been consulted on the above documents and advised that they are acceptable in principle, subject to strict compliance. It has been recommended that the tree protection fencing be inspected by the supervising arboriculturalist and work commences only on their approval. This has been added as an informative.

The requirements of the condition have been satisfied.

Condition 12:

Pre-Commencement slab level Condition: Prior to any works above slab level, a Biodiversity Compensation and Enhancement Strategy for bespoke biodiversity enhancements, prepared by a suitably qualified ecologist in line with the recommendations of section 6 of the Ecological Impact Assessment (Lizard Landscape Design and Ecology, March 2022), and shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Compensation and Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed compensation and enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations and heights of proposed compensation and enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the compensation and enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the Local Planning Authority to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Policy 31 of the Horsham District Planning Framework (2015)

To satisfy the requirements of Condition 12 the applicant has submitted an Ecological Design Strategy (Lizard Landscape Design and Ecology, 06 May 2026, REV 01). The Council's Ecological Consultant has been consulted on this document and advised that, subject to implementation in full of the submitted details, the condition can be discharged.

The requirements of the condition have been satisfied.

Recommendation: Split Decision

The details relating to Conditions 6, 7, 9, 10 and 12 are acceptable and **APPROVED**.

The details relating to Conditions 3, 4, 5 and 8 are unacceptable and **REFUSED**.

NOTE TO APPLICANT

Tree protection fencing should be inspected by the supervising arboriculturalist in accordance with the Arboricultural Method Statement recommendation and work should commence only on approval of the fence barrier and ground protection measures being fit for purpose/in accordance with the submissions.

POSITIVE AND PROACTIVE STATEMENT

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

Plans list for: DISC/26/0059

(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
Plans	Site Layout - Proposed Drainage And Levels	101 A	17.02.2026
Plans	Construction Details	501	17.02.2026
Plans	Construction Details	502	17.02.2026
Supporting Docs	Method of Construction Statement and Working Method Statement V1.0		17.02.2026
Supporting Docs	Drainage Statement including Flood Risk		17.02.2026
Supporting Docs	Interim Drainage Maintenance and Management Plan		17.02.2026
Tree plan	Tree Retention and Protection Plan	LLD3370-ARB-001 00	17.02.2026
Tree plan	Tree Retention and Protection Plan	LLD3370-ARB-002 00	17.02.2026
Supporting Docs	ARBORICULTURAL IMPACT ASSESSMENT & METHOD STATEMENT		17.02.2026
Supporting Docs	Surface Water Design		17.02.2026
Supporting Docs	Ecological Design Strategy	01	06.05.2026

Schedule of plans/documents not approved:

Plan Type	Description	Drawing Number	Received Date
Supporting Docs	CLASS LICENCE: WML-CL47 Bat Earned Recognition Class Licence		17.02.2026
Supporting Docs	Asbestos Demolition Report	C-31048	17.02.2026
Supporting Docs	Contamination Risk Assessment		17.02.2026
Supporting Docs	Contamination Risk Assessment Addendum		06.05.2026
Supporting Docs	Site registration: earned recognition for bat mitigation licensing		17.02.2026
Supporting Docs	Site Registration Section 12 Roost Details Accreditation Level 1		17.02.2026
Supporting Docs	ECOLOGICAL DESIGN STRATEGY		17.02.2026

DELEGATED

Case Officer sign/initial Sophie Moore Date: 02/06/2026

Authorising Officer sign/initial Adrian Smith Date: 03/06/2026