
Mid Sussex Site Allocations DPD Examination

Matter 5.3 Hearing Statement (Respondent 706)

Prepared by Barton Willmore on behalf of
Dacorar Southern Limited and Glenbeigh Developments Limited

May 2021

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1.0 INTRODUCTION AND OVERVIEW

- 1.1 This statement has been prepared on behalf of Dacorar Southern Limited and Glenbeigh Developments Limited (Respondent 706) (the Respondents). The Respondents controls 8.92 hectares ha of land south of the A2300 at Goddards Green known as 'The Hub'. A Site Location Plan (PL-150) is included at **Appendix 1**.
- 1.2 This statement relates to this land interest. The site wide planning permission was first secured in 2015 (MSDC ref: 13/1361/OUT) and a new planning permission (MSDC ref: DM/19/2641) was granted on 18 March 2020 in outline, subject to conditions and accompanied by a s106 agreement. To date, a total of 9,305 sqm has been developed and is operational as Class B8 with (ancillary Class B1). This has generated 125 new jobs.
- 1.3 It is the Respondent's position that to meet the job creation targets and spatial strategy envisaged by the District Plan 2014-2031, there is a need to ensure that the Site Allocations DPD facilitates flexibility of accommodation, avoiding unnecessary restrictions on the market impacting the attractiveness of sites to occupiers. This Hearing Statement responds to the relevant Inspector's Questions at Matter 5.3. This is a written submission, we don't intend to participate at the Examination session.

2.0 INSPECTOR'S QUESTIONS MATTER 5.3

5.3 Appendix A comprises a list of existing employment sites, which are protected by policy SA34. How effective is the Plan in protecting existing and allocated employment sites from other uses, e.g. housing? Should the Plan set out the parameters of an 'independent assessment' in relation to the attractiveness of the market, and the likelihood of future employment uses on these sites, and over what period of time?

- 2.1 The Hub is identified in Appendix A as an existing employment site and as such is protected by Policy SA34. The Inspector's question asks whether there is a need for an 'independent assessment' of such sites in terms of the attractiveness of the market and the likelihood of future employment uses on these sites.
- 2.2 Whilst Matter 5.2 deals with the need for additional employment allocations and whether the sites themselves are justified and deliverable, Matter 5.3 relates to how the Site Allocations DPD can ensure that existing employment sites and existing / proposed allocations remain attractive to the market and achieve the job creation targets of the District Plan 2014-2031 over the plan period. If they are not, then the 'pressure' for reuse for non-employment purposes will be greater.
- 2.3 In our view the two are related. The allocation of land does not in itself secure jobs. If the existing allocated land / employment sites are not attractive to the market, or policies are not being applied with sufficient flexibility, this will reduce their attractiveness to the market and result in the inefficient take up of allocated employment sites and thus reduced job creation. This then in itself results in the need to allocate more employment sites, perhaps beyond that intended by the District Plan, to meet the job creation requirements over the plan period as well as generate the promotion of development schemes for alternative, non-employment generating purposes.
- 2.4 We consider this matter below having regard to the employment objectives of the District Plan 2014-2031, the up-to-date employment need evidence base informing the Site Allocations DPD, the experience of the Hub as an existing employment site / allocation and ultimately how the Site Allocations DPD can ensure that existing and proposed employment allocations achieve the envisaged job creation.

The District Plan 2014 – 2031

2.5 District Plan 2014-2031 Policy DP1 Sustainable Economic Development identifies that the total number of additional jobs required in the district over the plan period is estimated to be an average of 543 jobs per year, to fulfil or contribute to the strategic aims and objectives of the Council. This results in the need for the allocation of additional employment land and accommodation. Policy DP1 states that this will be achieved by:

- Allocating 25 hectares of land as a high quality business park at Burgess Hill to the east of Cuckfield Road;
- Allocating further sites within the Site Allocations DPD;
- Incorporating employment provision within large scale housing development as part of a mixed use development where it is appropriate; and
- Allowing new small-scale economic development, in the countryside, including tourism (in accordance with Development in the Countryside policies).

2.6 The District Plan 2014-2031 signals the need for further sites (beyond that already allocated) to meet job creation targets.

Emerging Site Allocations DPD Evidence Base

2.7 **Site Selection Paper 4 (SSP4) Employment (February 2020)** confirms that the Council have updated the Employment Need evidence. It states at para 3.5 that a further 10-15ha of Class B employment land is required, in addition to the 25ha allocated within the adopted District Plan. The new requirement comprises 3.08 ha of B1 (office) use, 3.69 ha of B2 (general industrial) use and 8.23 ha of B8 (storage/distribution) use, albeit it is stated that this should be treated as a guideline (para 3.6).

2.8 The evidence base does not differentiate the split between B1(a), B1(b) and B1(c). Furthermore, it predates alterations to the Use Class Order, namely the introduction of Class E, which come into force on 1 September 2020.

- 2.9 The **Sustainability Appraisal (SA) (July 2020)** states that "the employment need figure does not take account of the proposed Science and Technology Park allocated as a 'broad location' to the west of Burgess Hill in policy DP9. The aim of this site is to serve a niche market, and to help meet a wider regional need. It will, of course, provide jobs for those residents already economically active within Mid Sussex but is being treated as a separate instance – it is intended that the employment need will be met by allocating additional employment sites within the Site Allocations DPD." (Para 7.4).
- 2.10 The SA provides an assessment of alternative employment strategies, namely:
- **Option A:** Allocate sufficient 'new' employment sites to meet the 10-15ha
 - **Option B:** Meet the need in part through allocating 'new' sites and relying on 'windfalls' from expansion/redevelopment/intensification of existing sites to meet the remainder
 - **Option C:** 'Do Nothing' i.e., solely rely on the Science and Technology Park to meet remaining need (as well as contributing to wider regional need).
- 2.11 The SA concludes that Option A is the most suitable approach for meeting employment need. Whilst it is important to increase the supply of sites, Option A should not be at the cost of supporting the expansion, intensification and making best use of existing allocations such as through flexible land use control of the existing Hub site. The options are not in our view mutually exclusive and a more appropriate approach is a combination of Options A and B and policies to enhance the attractiveness of existing sites and allocations.
- 2.12 With regards to land use and impacts upon the countryside, the assessment notes that Option A will likely require development of greenfield sites, as would Option C. However, expanding or intensifying existing sites such as the Hub would minimise the need to develop greenfield land elsewhere in the District for employment use.
- 2.13 In looking at employment and economic growth, the assessment also confirms that Option A would provide more certainty that employment need would be met, compared to Option B which relies on windfall development and Option C which is likely to only provide employment opportunities in certain fields. Reviewing the terms of existing allocations and safeguarded sites as per Matter 5.3 would also provide certainty to the market as opposed to promoting ad-hoc user specific applications. Moreover, it is likely to ensure the job creation targets of the District Plan.

The Hub

- 2.14 The Hub falls within the 'strategic allocation for the north and north west of Burgess Hill' in the adopted District Plan (Policy DP9). Policy DP9 requires a total of '25 hectares of land to be developed as a high-quality business park south of the A2300 and served by public transport'. Neither DP1, DP9 nor policy DP7 (General principles for Strategic Development in Burgess Hill) define the split between employment uses. The emerging Site Allocations DPD includes an allocation for the business park through SA9 Science and Technology Park and is largely north of the A2300 but does include the northern part of the Hub.
- 2.15 A site wide planning permission was first secured in 2015 (MSDC ref: 13/1361/OUT) and a new planning permission (MSDC ref: DM/19/2641) was granted on 18 March 2020 in outline, subject to conditions and accompanied by a s106 agreement. The permission provides for 40,695 sqm of employment floorspace falling within Class B1(b) and (c), Class B2 and Class B8, with condition 18 limiting the extent of Class B8 accommodation to 4,695 sqm.
- 2.16 The permission has been implemented with the construction and occupation of the first phases of development. In September 2017, reserved matters approval (LPA reference DM/16/5637) was secured for the erection of 4,076 sqm for Class B8 employment uses. This element has been completed and is occupied by DPD.
- 2.17 In March 2019, a second reserved matters approval (LPA reference DM/18/4588) was secured for the erection of 1 industrial unit of 5,229 sqm (GIA) for B1c, B2 and B8 employment uses. This element has also been completed and is occupied by ROCHE.
- 2.18 To date, a total of 9,305 sqm has been developed and is operational as Class B8 (with ancillary Class B1). This has generated 125 new jobs. The Respondents wish to continue to provide further new employment floorspace, supporting the local economy, and providing employment opportunities for the community. Securing investment in the site and securing occupiers are key to this, both are attracted by a flexibility and positive approach from the Council in what is a competitive market.

- 2.19 Whilst the planning system seeks to sub-divide employment uses, with Class B1 now falling within Class E, Classes B2 and B8 remain separate. In practice many businesses will operate across classes or will require the flexibility to do so at some point. Whilst the new Class E will provide flexibility for businesses in terms of town centre uses, it will not address the operational needs of industrial and logistics operators.
- 2.20 It is the Respondent's intention to phase the remaining balance of the site into four development parcels. However, securing occupiers is challenging with the restriction imposed by condition 18 above. Accordingly, a S73 Application was lodged in September 2020 to vary terms of Condition 18, now Condition 17 due to the removal of a further condition through S73, to provide a further 15,000 sq.m. of floorspace capable of being occupied for Class B8 use. Permission was granted 19th March 2021 (DM/20/3614), with Condition 17 now as follows:
- "The storage and distribution (B8) use hereby permitted shall not exceed 19,695 sqm floor space unless with the prior written consent of the Local Planning Authority, to whom a planning application must be made."**
- 2.21 The Decision Notice is included at **Appendix 2**. Whilst the approach of the Council in approving the application is welcomed, the maintenance of the limitation in principle creates unnecessary uncertainty and constrains delivery and market attractiveness.
- 2.22 The S73 application was supported by a Marketing Report prepared by Vail Williams, enclosed at **Appendix 3**. This confirms that over the six months to September 2020 there has been a considerable shift to online for businesses and their customers. With this has come an immediate increased demand for B8 storage and delivery facilities and this is unlikely to change. Meanwhile, demand for Class B1(b) and (c) and Class B2 has decreased further.
- 2.23 Such wider Class B accommodation demand that does exist seeks flexibility, as evidenced by the occupation of Phase 2 by Roche.
- 2.24 Before the COVID-19 pandemic the key commercial/industrial areas in Crawley had seen strong demand over the past 5 years resulting in increased land and rental values. These costs, coupled with the general lack of availability of stock, has resulted in occupier demand radiating out from this location to other areas. The same is happening from Brighton.

- 2.25 Consequently, there has been renewed focus on the Mid Sussex area from occupiers, particularly at The Hub, where the opportunity exists to provide bespoke units built to suit. The supporting Marketing Report outlines these trends in more detail, but from enquires over the past 18-24 months we can see a clear ongoing trend that most of the occupier demand has been focused on the B8 sector. It is considered that the Hub can continue to make a valuable contribution to meeting the wider employment needs of the district and creation of jobs. The 8.92ha Hub is proven to be attractive and the initial investment in site servicing has been made. The site is therefore available now to meet market demand. However, whilst the Class B8 restriction has been eased to a degree through the recent permission pursuant to s73 a restriction does remain reducing the future flexibility of the Hub to respond to market conditions.
- 2.26 Class B8 jobs have been considered by some Councils as 'bad jobs' due to a perceived low employment density and traffic impacts. It must be borne in mind that the Class B8 use class dates from 1987 and much has changed in the operation of businesses and the level of employment and skills sought, so much so that this cuts across these historic assumptions as to the nature of such uses and the employment generated. Traffic impacts can be regulated through travel planning and conditions. There should be no such thing as a 'bad job'. Policy needs to provide a flexible platform to address these changing market circumstances and move way from imposing restrictions unless where technically justified.

The Site Allocations DPD

- 2.27 It is our position that the Site Allocations DPD needs to do two things to ensure that the job creation objectives of the District Plan 2014-2031 are achieved:
1. Ensure that any new employment allocations (through the Site Allocations DPD) support the spatial strategy of the Plan and have sufficient use class flexibility to meet market needs; and
 2. Ensure that existing employment sites and/or District Plan allocations are also optimised through use class flexibility.

- 2.28 In respect of point 1, the Site Allocations DPD evidence base indicates the need for at least 15ha of Class B use with 8.23 ha of Class B8 use. The Site Allocations DPD proposes a further 17 ha of land for B Uses. Whilst the allocations identify the use classes, they do not define the split between use classes. This is correct in our view but at the application stage, as evidenced in the planning permissions granted for the Hub, the Council seeks to impose an unnecessary restriction.
- 2.29 The delivery of sites requires the commitment of investment to service land as well as capturing market demand. The market demand for a specific site will be a function of macro and local economic circumstances, and the suitability of the site or allocation to meet that demand. Regardless of what the District Plan may seek, the market will decide. If suitable sites and accommodation are not available, then that demand will either dissipate or will seek accommodation elsewhere. This can be anywhere from the south coast to south London, subject to the locational needs of the occupier.
- 2.30 In respect of point 2, in our experience there is a failure in application of policy with limitations imposed on permissions that are not justified and frustrate the ability of the market to achieve job creation. To address this, provide certainty to the market and ensure achievement of the District Plan policy objectives, the importance of flexibility needs to be expressly added to Policy SA34 Existing Employment Sites. We set out suggested wording below:

Existing Employment Sites – Protection, Intensification and Redevelopment

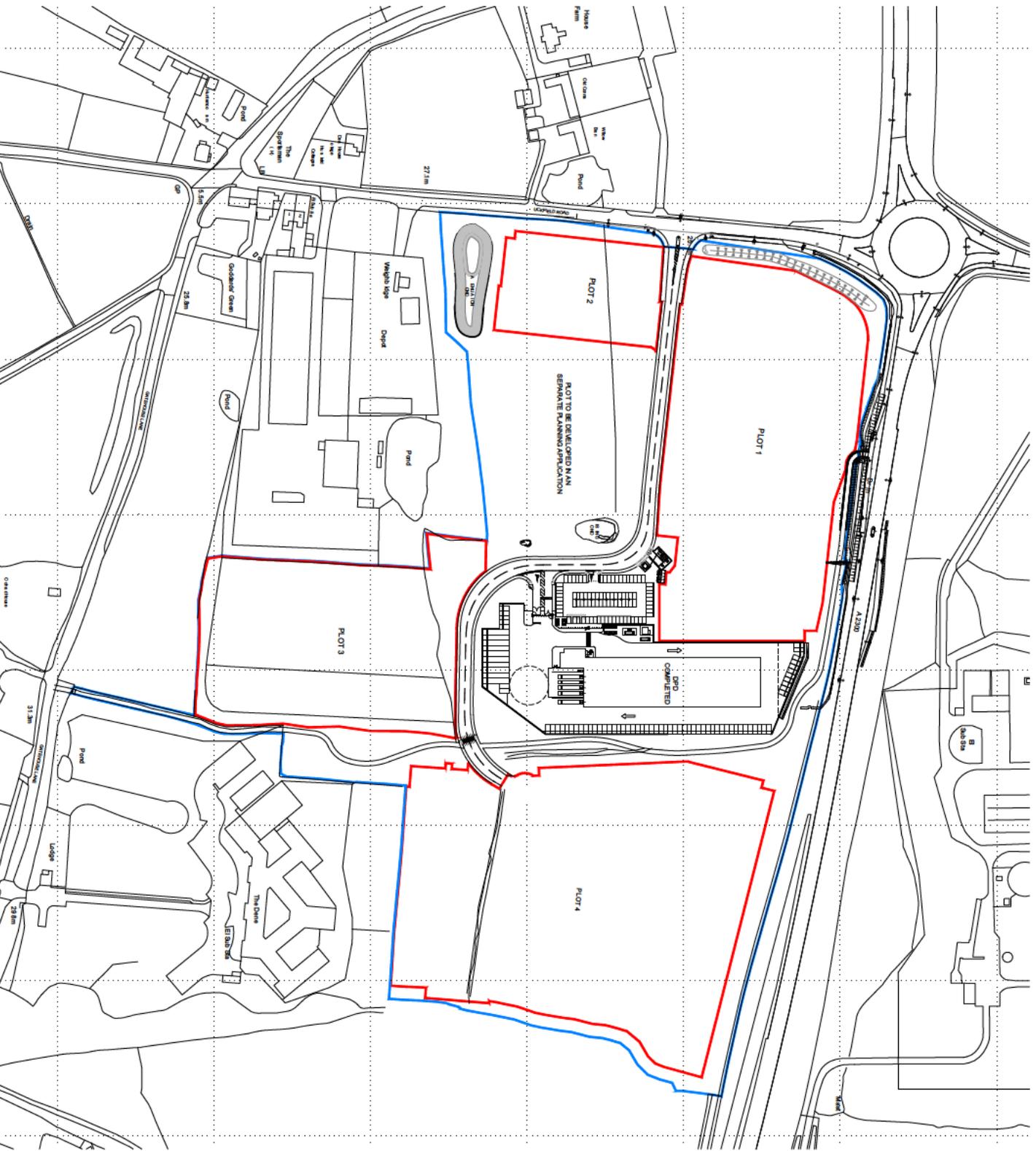
Existing Employment Sites, classified as those in use classes B1: Business, B2: General Industrial or B8: Storage or Distribution (as shown in **Appendix A** and on the policies map) are protected; proposals that would involve their loss will be resisted. Proposals on Existing Employment Sites that would involve the loss of employment land or premises will only be supported where it can be clearly demonstrated by the applicant that the site/premises are no longer needed and/or viable for employment use.

To ensure that Existing Employment Sites are optimised and can respond to market conditions over the plan period, use class limitations with Class E and between Classes E, B2 and B8 will only be imposed when justified for environmental reasons, for example due to a traffic impact that cannot be mitigated or to ensure residential amenity due to noise impact. A review of existing sites / permissions will be undertaken to ensure their attractiveness to the market. The Council will favourably consider applications to remove such restrictions imposed in respect of extant permissions on this basis.

Proposals for intensification within the boundary of Existing Employment Sites will be supported providing it is in accordance with other development plan and national policies.

Redevelopment for employment use within the boundary of Existing Employment Sites (as shown in **Appendix A** and on the Policies Map) will be supported where it does not result in the overall loss of employment floorspace. Proposals for alternative uses, with the exception of residential use, within Existing Employment Sites will only be supported where it can be demonstrated that the sequential approach has been applied to the redevelopment of the site, and the proposals support their integrity and function as centres of employment.

**APPENDIX 1
SITE LOCATION PLAN**



NOTES

DATE OF A.U.M. CORRECTS
DATE OF CORRECT
PLANNING AREA NOT INDICATED IN THIS PLAN
DO NOT SCALE THIS PLAN
DO NOT REPRODUCE
DO NOT USE FOR ANY PURPOSES OTHER THAN THE ORIGINAL
DO NOT SCALE THIS PLAN
ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE STATED
1. UNLESS OTHERWISE STATED, ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE STATED
MACHINE GENERATED IN 2019 BY CADENCE ARCHITECTS



— PLANNING BOUNDARY
TOTAL AREA: 8.92 HA (22.05 ACRES)

— OWNERSHIP BOUNDARY
1.8 HA (4.51 ACRES)

NO	DATE	TYPE / ISSUE	BY	CHK
1	16/07/2019	PRELIMINARY		

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TITLE
GODDARD'S GREEN
SITE LOCATION PLAN

CLIENT
GLENBEIGH DEVELOPMENTS

DATE	SCALE	STATUS
APRIL 2019	1:1250 @ A1	02
	SCALE	03/20
	PLANNING	AC

DRAWN BY: 30425-PL-150

APPENDIX 2
S73 PLANNING PERMISSION FOR THE HUB

Mr Colin Whelan
Ed Hanson
Barton Willmore Planning
7 Soho Square
London
W1D 3QB

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE
(ENGLAND) ORDER 2015

PERMISSION

REFERENCE: DM/20/3614

DESCRIPTION: VARIATION OF CONDITION 18 OF APPLICATION DM/20/3649 TO PROVIDE A FURTHER 15,000 SQM CAPABLE OF BEING OCCUPIED FOR CLASS B8 PURPOSES.

LOCATION: LAND SOUTH OF A2300, GATEHOUSE LANE, GODDARDS GREEN, WEST SUSSEX

DECISION DATE: 19 MAR 2021

CASE OFFICER: [REDACTED]

The Council hereby notify you that they **GRANT** planning permission for the above development to be carried out in accordance with the submitted application and plans and subject to compliance with the following conditions:-

1. Approval of the details of the appearance, layout, scale and landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority for any phase of development, prior to the commencement of development on site.

Application for approval of the reserved matters shall be made to the Local Planning Authority before the 18th March 2025.

The development hereby permitted must be begun either not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

2. The reserved matters shall be in general conformity with 30425-PL-151A (Parameters Plan). Development shall be in accordance with the approved details.

Reason: To ensure that the scheme protects the visual and ecological values of the site and is development in an appropriate manner to accord with Policies DP9, DP26 and DP38 of Mid Sussex District Plan 2014 -2031.

3. Prior to the commencement of development, a phasing plan for the development shall be submitted to and approved in writing with the Local Planning Authority. The development shall then be implemented in accordance with the approved details unless first agreed in writing with the Local Planning Authority.

Reason: In order to facilitate an efficient mechanism for discharging relevant conditions in the interests of securing a high quality development and to ensure the timely provision of transport infrastructure and to accord with Policy DP26 of the Mid Sussex District Plan 2014-2031.

4. Prior to the commencement of the development the applicant shall:

(a) Submit for the written approval of the Local Planning Authority a Travel Plan in accordance with the aims and objectives of the National Planning Policy Framework and in general accordance with West Sussex County Council guidance on Travel Plans. The Travel Plan shall include arrangements for monitoring and effective enforcement.

(b) No more than 10,000 square metres of the development shall be occupied before the applicant shall implement the approved Travel Plan and for each subsequent occupation of the development, thereafter maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority.

Reason: To minimize traffic generated by the development, to ensure that the A23 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980, to encourage sustainable travel and to accord with policy DP21 of the Mid Sussex District Plan 2014-2031.

5. No development, within a phase, shall take place, including any works of demolition, until a Construction Management Plan, for that phase, has been submitted to and approved in writing by the local planning authority. Thereafter the approved Construction Management Plan shall be implemented and adhered to throughout the construction period, of that phase. The Construction Management Plan shall provide and give details for:

- a timetable for the commencement, construction, occupation and completion of the development
- the anticipated number, frequency and types of vehicles used during construction
- the method of access and routing of vehicles during construction and directional signage for the purposes of such
- the siting and layout of site compounds and welfare facilities for construction workers
- the provision of parking of vehicles by site operatives and visitors
- the provision for the loading and unloading of plant, materials and removal of waste

- the provision for the storage of plant and materials used in construction of the development
- 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
- a scheme to protect existing neighbouring properties from dust and noise emissions
- a noise management plan, to include consideration of vibration from construction work including the compacting of ground
- contact details of site operations manager, contracts manager, and any other relevant personnel.

Reason: To allow the LPA to control in detail the implementation of the permission and to safeguard the safety and amenities of nearby residents and surrounding highways and to accord with Policies DP21 and DP26 of the Mid Sussex District Plan 2014-2031.

6. Prior to the commencement of development or any preparatory works, for any relevant phase, and to support the reserved matters application/s, a phase wide ecological enhancement scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of plantings and species, rich wildflower grassland sowing alongside nesting/roosting provision for birds and bats, measures to protect the Great Crested Newt population, where relevant, and will be based on the recommendations made within the supporting Ecological Statement. All approved details shall then be implemented in full and in accordance with the agreed timings and details.

Reason: To protect and enhance the ecological interest of the site and to accord with policy CDP38 of Mid Sussex District Plan 2014-2031.

7. No phase of development hereby permitted shall commence unless and until details of the proposed foul and surface water drainage and means of disposal, for that phase, have been submitted to and approved in writing by the local planning authority. No building, with that phase, shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements and Policy DP41 of the Mid Sussex District Plan 2014-2031.

8. No works in connection with any phase of the development hereby approved shall commence unless a site protection plan, for that phase, has been submitted to and approved in writing by the Local Planning Authority. Site protection measures in respect of [the watercourse/pond/trees or other relevant thing that needs protection] shall be shown on a layout plan accompanied by descriptive text and shall include:
 - a) The location of the features to be retained and protected during construction works; and
 - b) The position and details of warning signs and protective fencing to be erected.

No works, within the relevant phase, in connection within the development hereby approved shall commence unless the site protection measures have been implemented in full accordance with the approved details. All protective fencing and warning signs shall be retained during the construction period in accordance with the approved details.

Reason: In the interests of protecting and enhancing the biodiversity of the environment and to accord with Policy DP38 of the Mid Sussex District Plan 2014-2031.

9. No development of any phase shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping for that phase, which shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development and these works shall be carried out as approved.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014-2031.

10. Reserved Matters submissions shall be in general conformity with the design strategy approved under application DM/21/0087.

Reason: In the interests of visual amenity and a high quality development and to accord with Policy DP26 of the Mid Sussex District 2014-2031.

11. No development of any phase shall be carried out until samples/a schedule of materials and finishes to be used for the external walls and roofs of the proposed buildings within that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve buildings of visual quality and to accord with Policy DP26 of Mid Sussex District Plan 2014-2031.

12. No development within a phase shall commence until full details of boundary screening and timescales for implementation, for that phase, have been submitted to and approved in writing by the Local Planning Authority. The development, of that phase, shall be carried out in strict accordance with the agreed details.

Reason: To protect the amenity of neighbouring residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014-2031.

13. No development shall take place on any phase until details of the existing and proposed site levels for that phase have been submitted to and approved in writing by the Local Planning Authority. Development shall not be implemented otherwise in accordance with such details.

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the amenities of adjacent residents or the appearance of the locality and to accord with Policies DP26 of the Mid Sussex District Plan 2014-2031.

14. No development, within a phase, shall take place until a lighting strategy and details of measures to avoid unnecessary light spillage or reflection, for that phase, has been submitted to and approved in writing by the Local Planning Authority. Development, of that phase, shall not be implemented otherwise in accordance with such details.

Reason: To protect the amenity of neighbouring residents from light spill or reflection and to accord with policies DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

15. No removal of trees or shrubs shall be carried out on site between March to August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority. Where vegetation must be cleared during the bird breeding season a check for nesting birds by a suitably qualified ecologist will be required. Any vegetation containing occupied nests will be retained until the young have fledged. The location details of the compensatory nesting provision to be supplied to the Local Planning Authority for approval prior to their erection.

Reason: To protect breeding birds and to accord with policy DP38 of the Mid Sussex District Plan 2014-2031 and with National Planning Policy Framework.

16. No phase of the development shall be occupied until space has been laid out within the site for that phase, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, for car and bicycle parking at a volume to be agreed. Also, provision shall be made for the loading and unloading of an agreed number of goods vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. The parking/turning areas shall be used and retained exclusively for their designated purpose.

Reason: To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users and to accord with Policy DP21 of Mid Sussex District Plan 2014-2031.

17. The storage and distribution (B8) use hereby permitted shall not exceed 19,695 sqm floor space unless with the prior written consent of the Local Planning Authority, to whom a planning application must be made.

Reason: To ensure that the business park meets local employment needs, in the interests of the amenities of the area and to ensure that the development does not prejudice highway safety or cause inconvenience to other highway users and to comply with policies DP21 and DP26 of the Mid Sussex District Plan and the National Planning Policy Framework.

18. No phase of the development shall be occupied until a Management Plan for that phase, including hours of operation, hours of deliveries, full details of loading/unloading arrangements and any noise mitigation measures, has been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall be implemented in full on occupation of each phase and complied with thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of neighbouring residents and to accord with Policy DP26 of Mid Sussex District Plan.

19. Noise from Plant and Machinery (operational): The rating level of noise emitted from fixed plant and equipment associated with the proposed development shall not exceed 44 dB LAeq1hour during the day period (0700 to 2300 hours), and 38 dB LAeq5min during the night period (2300 to 0700 hours). These limits apply at the nearest façade of any residential property. The measurements and assessment shall be made according to the provisions of BS 4142:2014. Note: The rating level shall include the character corrections for tonality, impulsivity, distinguishability and intermittency.

Reason: To protect the amenity of neighbouring residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

20. Hard and soft landscaping works for each phase shall be carried out in accordance with the approved details prior to the first occupation of that phase. The works shall be carried out prior to the occupation of that phase of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become 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: In the interests of visual amenities of the locality and to accord with Policy DP26 of the Mid Sussex District Plan 2014-2031.

21. Any Reserved Matter application(s) shall be supported by a Sustainability Statement demonstrating how the proposal will comply with the requirements of Policy DP39 of the Mid Sussex District Plan. The development will thereafter be constructed in accordance the submitted and approved details.

Reason: To improve the sustainability of the development and to accord with Policy DP39 of the Mid Sussex District Plan 2014-2031.

22. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Applications".

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

23. The obligations contained in the planning obligation by way of Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 dated 13th March 2020 pursuant to the planning permission reference: DM/19/2641, and in accordance with clause 13.6 of the said Agreement, will be equally applied to and satisfy the requirements necessitated under this application DM/20/3614.

Reason: To ensure that the development meets its infrastructure requirements and to accord policy DP20 of the Mid Sussex District Plan 2014-2031.

INFORMATIVES

1. In accordance with 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 and subsequently determining to grant

planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

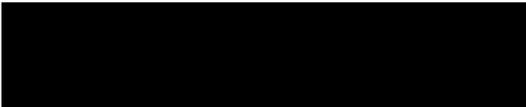
Human Rights Implications

The planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Location Plan	30425-PL-150		28.06.2019
Planning Layout	304-PL-151	A	28.06.2019



Divisional Leader for Planning and Economy

NB: IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES ACCOMPANYING THIS FORM

PECNDZ

APPEALS TO THE SECRETARY OF STATE

Notes for Applicants

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

If you want to appeal against your local planning authority's decision then you must do so within **6 months** of the date of this notice.

However, if

- (i) this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice; or
- (ii) an enforcement notice is subsequently served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
 - 28 days of the date of service of the enforcement notice, or
 - within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

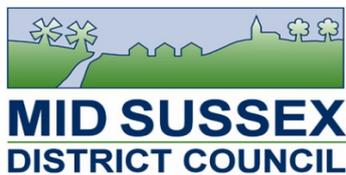
Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

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

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

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.uk](#).



Construction Charter for Developers

Mid Sussex is an economically vibrant district. The Council welcomes appropriate developments in the District that develop the local economy and improve people's lives. The Council recognises that the environmental impacts during the construction of new developments can at times be inconvenient or unpleasant for those who use the District's roads and pavements, or live nearby. The District Council expects developers to adhere to the following principles on all sites.

1. Stick to your planning permission

Your planning permission has been granted for a specific development (as per the approved plans) and will be subject to conditions and maybe legal agreements. The Council and the local community expect you to stick to these and to give advance notice if anything needs to be changed,

2. Be safe and tidy

Carry out all works with the utmost care for the safety of passers-by as well as your workers - this includes driving vehicles on and off the site. Keep all plant and machinery in safe working order, and all structures safe, by checking them often. Keep your site and roads and pavements around it tidy

3. Be considerate

Carry out all work with consideration for residents, workers, pedestrians, visitors, neighbours, businesses and road users, at all times and with every effort to minimise noise and disturbance. Pay special attention to the needs of those who have difficulties with sight, hearing or mobility, and those in wheelchairs or with prams and pushchairs.

4. Be responsible

It is the responsibility of the main contractor to ensure that all employees, agents, subcontractors, suppliers, drivers and others working on or near the site comply with this Code of Practice. Please note that all sites are responsible for damage made to the public highway as a result of construction activity. Contractors carrying out the work resulting in damage are liable for the full cost of repair.

5. Be accountable

Display a contact board outside the site, giving names and telephone numbers of staff who can easily be contacted to respond to the concerns of residents, businesses and others.

6. Communicate

Keep residents and others informed about unavoidable disturbance such as noise, dust, extended working hours and disruption of traffic. Provide site neighbours with clear information well in advance of starting works, preferably in writing, and perhaps issue regular bulletins about site progress.

APPENDIX 3
VAIL WILLIAMS MARKETING REPORT

Private – Summary Report of Occupier Demand at The Hub, Burgess Hill BN6 9LG

Report date: 17 September 2020

Prepared for:
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1 Introduction

1.1. Brief

Vail Williams are instructed to provide a market commentary on the demand for B8 accommodation in relation to increasing the B8 use capacity on the HUB, Burgess Hill where they are joint letting agents.

1.2. Vail Williams experience in the area

Vail Williams are active in the local, regional and UK property market. They have 7 offices in the South East including a Gatwick office, covering West and East Sussex and Surrey. The firm has over 20 business space letting agents handling letting and sales on office parks, industrial estates and high technology accommodation.

Vail Williams Gatwick office has considerable experience of letting and selling commercial property within Mid Sussex District. In addition to the current HUB letting instruction, they were selling agent on the former Wyevale garden centre site at Handcross, now Tungsten Park, where they were retained to sell up to 83,000 sqft, now complete following the recent pre-sale of a HQ facility to Pets Corner on phase 1, and to investor Martins Properties on phase 2.

Historically, Vail Williams were development and letting advisors on Phases 2 and 3 of the Birches Industrial Estate, East Grinstead (400,000 sqft) and handled the sale of the former Ericson complex, Burgess Hill where they undertook pre-lettings to Roche for their HQ, and sales to Whitbread Premier Inn, R F Solutions and others. They also acted on the sale of the Honeywell building to B E Aerospace, and on numerous other building sales/lettings in the vicinity of and within the main Victoria Estate.

1.3. Description

The Hub scheme in Burgess Hill comprises 36 acres of development land and secured planning in 2014 for 50,000 sqm (500,000 sq ft) of B1b, B1c, B2 and B8 uses.

Occupancy for the B8 element was restricted at that time under planning to a maximum of 14000 sqm).

Since then, 2 pre-lets have been secured, signed and developed, being 3,995 sqm (43,000 sq ft) to DPD (B8 use), and 4,961 sq m (53,400 sq ft) to Roche (B8 use). In addition, the site has been serviced and development parcels or plots have been created, which form the basis of ongoing marketing.

The letting agents Vail Williams and DTRE are in discussions with a number of other potential occupiers one of whom currently considering terms for a new 60,000 sq ft facility falling within B1c use. However, what is clear is that flexibility in use class is required to attract occupiers, both to accommodate existing and future operational requirements.

1.4 Planning summary

Accordingly, following the 2 pre-lets, there remains planning permission for a further 37,495 sq m (403,600 sq ft) of which under the terms of the planning permission, not more than 4,980 sq m (53,600 sq ft) can be occupied for Class B8 purposes.

2 Regional Demand and Supply.

2.1. Regional Demand

It is relevant to make some general comments below regarding the nature of the industrial/warehouse market across the region. Typically occupiers are based in buildings that physically could be used for either B8 or B1c use (i.e. a interchangeable building suitable for warehousing and/or light industrial uses, with ancillary offices). In our experience a typical industrial estate in this region would have a broadly equal mix of B8 uses or light industrial users, and the buildings often permit both uses.

It is clear from our market experience across the region that most demand is currently from users requiring a storage and distribution use, or businesses with a B8 bias. Currently where sites have not been built out, pre-let demand is typically for larger units, often above 4,000 sq m, with smaller requirements wanting a more immediate move and only considering built and available space.

2.2. Stock Quality

There is also a general lack of quality stock within the wider Sussex region albeit locations such as Crawley and Salfords have some new units available, but most of the stock is older (grade B and C) properties which are less attractive to businesses. Outside of that immediate Crawley/Gatwick catchment, the districts of Mid Sussex, Horsham, and Brighton and Hove have very limited availability of new or modern stock.

2.3. Competition

Competing developments within the Mid Sussex District offering B8 use being either existing new units or potential new schemes include the following:

- Link 23 (Tungsten Park), Handcross – phase 2 comprising 3,995 sq m (43,000 sq ft) was sold to investor Martins Properties however currently remain available to lease.
- Sussex Junction, Bolney – 6 acres with draft allocation for employment use of approx 9,755 sq m (105,000 sq ft).
- Midpoint 23, Pease Pottage – approx 7 acres and currently in for planning for approx 7,989 sq m (86,000 sq ft).
- Centrepoint Burgess Hill – consented unit for 4,664 sq m (50,200 sq ft).

3 Marketing

Initial marketing of the scheme back in 2014/2015 was limited to direct occupier discussions until such time as the DPD letting had been signed and development works including all the infrastructure provisions were underway. This is because the site needed to be shown to the market to be deliverable and attracting occupiers to the site without all of the necessary highway consents in place is challenging.

Completion of that pre-let along with getting the highway approvals and works programme in place was the trigger for commencement of a more comprehensive marketing campaign which has been incrementally implemented to include the following;

- Brochure – 6 page full colour brochure with CGI's.
- Website – full website with downloads
- Presentations – on site tours and presentations to all relevant London and regional agents
- On line – regular promotion of site activity and availability through numerous channels including social media
- Mailing – regular mailing of the hard copy brochure and e-brochure to applicants and occupiers in Sussex and the wider South East
- Local and regional groups updates – the scheme is regularly promoted through business groups including BHBPA, LEP, Coast to Capital, Gatwick Diamond and Greater Brighton for example.

Through the previous and ongoing marketing, which is regularly updated and will shortly include an onsite board, new brochure with actual images, and updated website, we have undertaken a substantial level of meetings and discussions with potential occupiers. We cover this below.

4 Hub occupier demand

The Hub offers a unique opportunity in the marketplace within the Gatwick Diamond region.

The key commercial/industrial centre of Manor Royal in Crawley to the north has seen strong demand over the past 5 years resulting in increased land and rental values. These costs, coupled with the general lack of availability of stock, has resulted in occupier demand radiating out from this location to other areas. The same is happening from Brighton.

Consequently there has been renewed focus on the Mid Sussex area from occupiers, particularly on The Hub scheme, where the opportunity exists to have bespoke units built to suit, which can serve the wider Sussex area both north and south.

We have reviewed and researched occupier enquiries for the Hub over the past 18 months and we have on average seen the following demand at any one time;

- **Average live registered enquiries by total size - 1.95m sq ft**
- **Average total size of enquiries seeking B8 use - 1.57m sq ft**
- **Average number of enquiries seeking B8 use by percentage - 64% with the rest typically seeking B1c or sui generis uses such as car showroom use.**

We can see a clear ongoing trend that the majority of occupier demand has been focused on the B8 sector, not only by the number of enquiries but the actual sq footage by demand size.

Therefore, to attract occupiers it is vital that we can met this demand for B8 use, ideally in a way where either B8 and/or B1c uses can be accommodated, albeit we anticipate lower demand from the B1b/c sector. It is also relevant to note that some B8 uses can offer a high level of jobs.

- It is also important to avoid use restrictions, as this lack of flexibility will put off potential pre-let occupiers who will be committing to a lease of 10 or 15 years and will want to ensure the greatest range of potential occupier uses, should the property become surplus at a later date. Currently competing sites out of region can offer that flexibility meaning some requirements could be lost from the district, with associated economic impacts. s

5 Occupier demand – the future

The pandemic of COVID-19 has created huge uncertainty and concerns for the economy.

It is far too early to know what the negative (if any) impacts may be for the commercial property demand. However, what has become crystal clear is that over a very short period of time there has been a considerable necessary shift to an online world for businesses and their customers.

With this has come an immediate increased demand for B8 storage and delivery facilities and this is highly unlikely to change. If anything we are likely to see more and more businesses create an online offer with the increased need for B8 accommodation to service these growing markets. Most businesses require bespoke high-quality distribution facilities with good eaves height and ancillary accommodation, to attract staff and be competitive.

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We advise on a wide range of development projects including the sale or acquisition of land and buildings. We create promotion, option, and development agreements, advise on scheme layout and provide viability appraisals to support planning applications, appeals and local plan enquiries.

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