DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DISC/25/0071
Southwater Business Park, Sony Dadc Uk Limited , Worthing Road, Southwater, West Sussex, RH13 9YT

DESCRIPTION:
Approval of details reserved by conditions 8 and 13 to approved application DC/23/1843.

RELEVANT PLANNING HISTORY:

DC/23/1843	Demolition of existing warehouse buildings. Erection of new single-storey buildings to provide employment units for a flexible range of employment uses (Use Classes E(g)(iii), B2 and/or B8) with ancillary offices, together with associated access road, hard and soft landscaping, cycle parking, car parking, EV charging, service yard, loading bays, site infrastructure and associated works.	Application Permitted on 12.07.2024

PLANNING ASSESSMENT

Planning application ref: DC/23/1834 was granted consent for the demolition of existing commercial facilities and the provision of 7x total replacement commercial, industrial or storage/distribution units. Planning permission was granted subject to conditions, with consent now sought to discharge the requirements of Conditions 8 and 13 attached to ref: DC/23/1834.

Condition 8

Condition 8 states:-

> *"**Pre-Occupation Condition:** No building hereby permitted shall be first occupied unless and until provision for the storage of refuse/recycling has been made for that building (or use) in accordance with details (including elevations, materials and internal configuration) that have been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained for use at all times.*
>
> *Reason: To ensure the adequate provision of recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015)."*

In response to the above Condition, the applicant has provided a site plan (ref: 4690-PL-010) denoting the potential locations of operational waste/recycling facilities (inclusive of compactor/bailers) to each individual unit. As indicatively shown on plan ref: 4690-PL-010, refuse/recycling facilities are shown to be provided internally within approved units, mainly to the side and/or rear of the main loading bay to each respective unit.

Plan ref: 4690-PL-010, additionally, includes an annotation confirming that the locations shown for the provision of refuse/recycling positions are only shown on an indicative basis as individual occupiers for each approved unit have not yet been determined. The included annotation, further, confirms that the final location, size and form of equipment to be provided to each respective unit will be determined upon the fit-out of each unit, constituting a point in time where individual occupiers will be known.

In substantive terms the indicative locations of refuse/recycling stores are not objectionable. It is self-evident that the provision of internal refuse/recycling facilities would not materially impact upon the external appearance of approved buildings, the wider site, neither interfere with circulation routes, access or impact upon ecological/arboricultural constraints present to the perimeter of the site.

The indicative details submitted to the Authority, however, are deemed insufficient to discharge the requirements of Condition 8. These do not provide certainty of the type of refuse/recycling provisions to be provided each respective unit, may not reflect the needs of each respective occupier and do not allow the Authority to undertake any form of informed assessment in respect of likely impacts associated with the provision of refuse/recycling facilities. It is, further, considered unlikely that all forms of waste generated by the approved development, inclusive of general and non-commercial waste, would be stored internally.

The requirements of Condition 8, therefore, are not deemed to have been satisfied in this instance.

Condition 13

Condition 13 states:-

> ***"Pre-Occupation Condition:*** *Prior to the first occupation of the development hereby approved, full details of proposed air-quality mitigation measures detailed within the approved Damage Cost and Emissions Mitigation Plan (TRC Companies Ltd, ref: 554969.0000.0001.02.r1), including the provision of additional active and passive electric-vehicle charging points and design of cycle-stores incorporating green-roofs, necessary to offset the expected damage cost of approved development shall be submitted to and approved in writing by the Local Planning Authority. The air-quality mitigation measures shall, thereafter, be implemented as approved and retained as such thereafter.*
>
> *Reason: To ensure that the proposed development does not adversely influence local air-quality conditions and mitigates the emission of pollutants in accordance with Policy 24 of the Horsham District Planning Framework (2015)."*

The 'Technial Note' (ref: 554969.0000.0001.02.r1) addressing matters of air-quality and associated damage cost mitigations approved at applications stage, described a range of measures designed to mitigate the agreed air-quality damage cost figure for the approved development (£27,089). The measures detailed within the Technical Note include the provision of 14x additional active electric vehicle charging points, the provision of passive ducting to 79x parking spaces (all remaining parking spaces) and the provision of green roofs to the 2x approved cycle stores. These measures, collectively, were agreed to a equate to a damage cost mitigation of £74,000.

Condition 13 seeks relevant plans/specification to provide confidence that the agreed mitigation measures will be delivered within the site. In response the applicant has provided schematics for the electrical servicing of the proposed development, plans showing the positions (and types) of electric-charging points and manufacturers specifications for cycle-stores to be provided within the site.

The submitted plans show the provision of 14x active electric vehicle charging points and the provision of passive ducting to all remaining specifications. The applicant, further, has provided manufacturers details for the provision of green-roof cycle shelters (provided by 'Green Roof Shelters') within the site, and which that cycle shelters would feature a living/green roof component.

The details submitted align with air-quality mitigation measures agreed at applications stage, and are sufficient to discharge the requirements of Condition 13.

Arun Valley SAC, SPA and Ramsar (Water Neutrality)

Application ref: DC/23/1834 was subject to an 'appropriate assessment' pursuant to Regulation 63 of the Conservation of Habitats and Species Regulation 2023, and which concluded as to the absence of likely effects upon the integrity of the Arun Valley SAC, SPA and Ramsar designations.

The Council's determination in this instance, therefore, would not facilitate a development which had not previously proven the absence of adverse habitats effects contrary to the determination to the Supreme Court pursuant to *CG Fry & Son Ltd v Secretary of State for Levelling Up, Housing and Communities and Anor* [2024] EWCA Civ 730.

Recommendation: Split Decision

In respect of Condition 13 the submitted details are approved.

In respect of Condition 8 the submitted details are refused for the following reason:

1 The indicative details of potential locations for operational refuse/recycling facilities as denoted on plan ref: 4690-PL-010 do not represent a known committment to the provision of refuse/recycling facilities to each approved unit and are deemed insufficient to discharge the requirements of Condtion 8.

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/25/0071
(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
Site plan	External Services	5720 MEP Z07 00 DR U 6000 REV P3	03.03.2025
Supporting Docs	Cycle Shelters	NONE	03.03.2025
Supporting Docs	Green Roof Shelters	NONE	03.03.2025
Supporting Docs	Electric Vehicle Charging	NONE	03.03.2025
Plans	Electrical Services Layout	3544-CSL-E-700	03.03.2025
Plans	Electrical Services Layout	3544-CSL-E-701	03.03.2025

Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Site plan	Refuse Recycling	4690-PL-010	03.03.2025

DELEGATED

Case Officer sign/initial Giles Holbrook Date: 28.04.2025

Authorising Officer sign/initial	J Hawkes	Date:	28.04.2025