n Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/23/1843
Southwater Business Park, Sony Dadc Uk Limited, Worthing Road, Southwater, RH13 9YT

DESCRIPTION:
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.

RELEVANT PLANNING HISTORY:

DC/23/1226	Prior approval for demolition of all existing buildings on site including warehouses, office space, plant enclosures, removal of floor slabs and foundations, removal of hardstanding yard and parking areas.	Prior Approval Not Required on 19.07.2023
DC/22/0302	Demolition of existing warehouse buildings and redevelopment to provide employment units for a flexible range of employment uses (Use Classes E(g)(iii), B2 and/or B8) erection of ancillary offices, together with the provision of yard areas, parking, landscaping and associated works	Application Permitted on 14.04.2023

SITE AND SURROUNDS

This application concerns the former Sony DADC UK site occupying the eastern extent of Southwater Business Park. The site extends to an approximate area of ~1.85ha and is currently vacant following the recent demolition of former structures and removal of hardstand in conjunction with the grant of prior approval pursuant to ref: DC/23/1226.

Southwater Business Park is located within the defined built-up area for Southwater situated on a cul-de-sac leading off Worthing Road ~195m west of the site. In addition to the application site, the Business Park also contains a disused car-park to the adjacent north-west of the site and a large research/development facility occupied by 'Bowers and Wilkins' opposite the site.

The site is bounded by the Downs Link foot/cyclepath (Public Right of Way 3657) to the full extent of the site's north-eastern boundary, designated as a 'National Trail' and Parish Heritage Asset within Policy SNP19 to the Southwater Neighbourhood Plan. The edges of the Downs Link are well-vegetated and feature a number of established/mature trees, providing a verdant backdrop to the application site.

Southwater Country Park bounds the site to the adjacent south and south-west, with woodland contained within the Country Park directly adjoining the site designated as ancient woodland. The entirety of the Country Park is designated as a Local Wildlife Site.

The site is not designated as a risk of fluvial or groundwater flooding, though, parts of the site are designated as at low to high risk of surface water flooding. Environment Agency mapping depicts those areas of the site at risk of surface water flooding as disconnected from wider surface water paths/flows in the vicinity, indicative of modelled pooling on the site during defined heavy rainfall events.

The site does not contain any heritage designations, with the closest listed building being the Grade II listed Cock Inn on Worthing Road, located ~240m north-west of the site.

DETAILED DESCRIPTION

Full planning permission is sought for the erection of three warehouse style buildings, divided into 7x individual units to be made available for a flexible range of employment uses (Use Classes E(g)(iii), B2 and/or B8 uses), together with ancillary facilities and supporting infrastructure.

The proposed units would be arranged along the north-eastern site boundary, with associated parking/access facilities located to the south-west or south of proposed units. Units 1-3 would be accessed directly of the existing Business Park access road, with units 4-7 proposed to be accessed by way of an extended access road continuing the alignment of the existing access to the south-east.

The proposed development would provide a total of 130x parking spaces, 24x of which would be served by 'active' electric vehicle charging points. 8x accessible parking spaces would, additionally, be provided together with 2x cycle-stores accommodating 18x cycles. An external 'amenity' area for staff/users of the proposed units would be provided between units 3 and 4, with the perimeter of the site maintained as a landscape buffer for the retention of existing trees and additional planting. 4.5m acoustic fencing would be introduced between proposed buildings, and to a section of the site's north-western boundary forward of proposed unit 1.

The proposed units would provide a gross-internal area (GIA) totalling ~7,650m^2, predominantly comprised of warehouse spaces at ground floor level. Each unit, though, would feature a small mezzanine layer capable of functioning as ancillary officing. Each of the 3x proposed buildings would be a portal-frame construction, incorporating a shallow pitched roof and externally finished in green or grey cladding. Proposed buildings increase in scale/height moving eastwards through the site, with Unit 7 representing the largest unit, and the only unit occupying a proposed building in full.

The applicant proposes that despatch/delivery operations associated with the occupation of Units 1-6 are limited to the hours of 07:00-23:00 daily, with despatch/delivery operations associated with the occupation of Unit 7 limited a total of 8x HGV movements during the night-time period of 23:00-07:00.

The current application follows the approval of a broadly similar application pursuant to ref: DC/22/0302, though, does seek consent for a number of variations relative to this preceding consent, including units of slightly reduced scale, revised car-parking arrangements and alternative despatch/delivery arrangements. Additional details, reports and assessments, further, have been provided in accompaniment to this application in response to a number of details reserved by condition in conjunction with the previous planning permission ref: DC/22/0302.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF):

Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 24 - Strategic Policy: Environmental 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 37 - Sustainable Construction
Policy 40 - Sustainable Transport
Policy 41 - Parking

Southwater Neighbourhood Plan (June 2021)
SNP 1 Core Principles
SNP 4 Keeping our Roads Moving
SNP 8 Southwater County Park
SNP13 Enhancing our non-motorised transport network
SNP 15 Driving in the 21 Century Policy
SNP 16 Design
SNP 17 Site levels
SNP 18 A treed landscape
SNP 19 Parish heritage assets
SNP 21 A growing economy

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

Horsham District Local Plan (HDLP) (2023) (Regulation 19):
Policy 29 – New Employment
Policy 30 – Enhancing Existing Employment (Existing Employment Sites and Premises)

Parish Design Statement:
Southwater Parish Design Statement (2011)

Supplementary Planning Guidance:
Planning Obligations and Affordable Housing SPD (2017)
Community Infrastructure Levy (CIL) Charging Schedule (2017)

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:

Natural England: No objection

[Summary] In response to the Council's appropriate assessment the Nature Conservation Body responded to confirm its agreement with the conclusions of the Council's assessment in respect of the absence of adverse effects upon the integrity of the Arun Valley Special Protection Area, Special Area of Conservation and Ramsar sites. Subject to the delivery, management and maintenance of mitigation measures identified within the Water Neutrality Statement, therefore, no objections were held.

HDC – Design and Conservation: No objection

"It is considered that the proposed development would not result in additional harm to the setting of the Grade 2 listed Cock Inn (now the Tipsy Fox) the closest designated heritage asset to the proposed site, due to the intervening-built environment.

It is also considered that the proposed redevelopment would not result in harm in heritage terms to the Downs Link (which was identified as a non-designated heritage asset in the Southwater Neighbourhood Plan)."

HDC – Arboriculture: No objection

“The site is in the process of implementation (post demolition) of approved development DC/22/0302. The surrounding woodland (including the Southern copse designated as Ancient Woodland) has no additional protection to that approved within the AMS associated with the former approval. From my observations from the site perimeter, individual bounding trees of landscape significance in terms of age/size are not present. Standard conditions (3.6 and 6.8) for erection of tree protection measures and compliance with AMS and landscape mitigation/landscape scheme to satisfaction of Landscape Officer.”

HDC – Landscape: Advice

[Summary] [latest response of 22.02.2024] The Council’s Landscape Architect responded to note that the site is well contained within the wider landscape, with little or no visual change anticipated to be experienced within public views and associated adverse visual effects.

Following the receipt of additional details pertaining to planting and landscaping, the Council’s Landscape Architect was satisfied that the majority of initial concerns regarding the protection of Ancient Woodland and additional tree planting in response to the provisions of the Southwater Neighbourhood Plan were successfully addressed.

The Council’s Landscape Architect, additionally, welcomed the introduction of green-cladding to unit 2 in addition to unit 5, though, commented that the introduction of green-tinted colouring throughout was still recommended albeit acknowledged as not required.

The loss of 152x plants within the green corridor within amended soft-landscaping proposals were, additionally, noted, with an increase to previous quantities also requested.

HDC – Environmental Health: Objection to unrestricted 24 hour use

[Summary] [latest response of 09.05.2024] The Council’s Environmental Health team, in response to an acoustic technical note dated 18.04.2024, sought to maintain an objection to the unrestricted commercial use of the site.

The Environmental Health Officer (EHO), in response to comments at page 3 of the acoustic technical note, commented that a noise rating level in the region of 35dB still has the potential to impact upon residential amenity with regard to low background noise levels in this part of the District, as detailed in previous noise assessments.

The EHO, in addition, raised concern that the outcome of the BS 4142 assessment contained within the technical note was based on a particular pattern of activity which may or may not prove representative of actual activities on the site, with concern raised that the level of activity may increase beyond that modelled within the technical note.

The EHO, further, commented that the number of HGV movements presented within the submitted technical note (31 and 35 HGV movements) appears abnormally high for this part of the District on the basis of EHO knowledge.

Concern was, additionally, raised that the development may result in a significant number of articulated vehicles HGVs falling within the ‘Ordinary Good Vehicle 2’ category, which may result in an entirely different noise profile to HGVs falling within the ‘Ordinary Good Vehicle 1’ category and which may result in significant noise impact. The EHO, noted that HGVs manoeuvring to enter/leave the access road to the Business Park from Worthing Road would also possess a different noise profile to HGVs moving freely on Worthing Road.

In response to comments at page 8 of the technical note, the EHO acknowledged that the modelled 52db LAFmax value is below the 55dB value quoted in Approved Document O, though, in the view of the EHO, that decibel levels given in the Approved Document are not sufficiently proactive of sleep disturbance. As LAmax levels are likely to be 52 dB LAmax in the bedroom of the nearest noise sensitive receptor to Southwater Business Park Road, above the 45 dB LAmax level detailed in World Health Organisation (WHO) guidance, and accounting for the potential for over 10 vehicle movements

a night, the EHO considered that a 24/7 use of the site would result in a significant impact on residential amenity.

The EHO noted that the technical note [at page 9] does acknowledge that it may be appropriate to include some form of limit on the number of HGVs accessing the site at night and that such restrictions would acceptably mitigate noise impacts alongside a management plan, though, remarked that colleagues have advised such restrictions to be unenforceable by planning.

In respect of matters of noise the EHO, lastly, commented that the justification for 24/7 remained unclear in light the of the suggestion at page 9 of the technical note that only proposed unit 7 is likely to require night-time HGV movements.

The EHO summarised noise related comments to confirm that no opposition was held to the principle of development of the site, though, that unrestricted commercial use as proposed was not considered a proposition which could be supported.

With regard to matters of land contamination, the EHO confirmed that the TRC Companies Letter of 26.10.2023 had been reviewed, requesting the submission of raw ground-gas and atmospheric pressure data to enable an informed assessment, though, that such information could be secured by appropriately worded conditions if not made available in advance of determination.

Conditions were recommended limiting despatch or receipt of deliveries except between the hours of 07:00-20:00 hours Monday-Friday and 07:00-18:00 hours on Saturday, the submission and approval of a noise management plan prior to the commencement of development, prohibiting the installation of internal/external plant without the prior assessment and approval of the acoustic impact associated with such equipment and requiring the submission and approval of details pertaining to land contamination in advance of the commencement of development.

HDC – Environmental Health (Air Quality): Advice

[Summary] [latest response of 20.03.2024] In response to a 'technical note' provided by the applicants following initial submission, the Council's Environmental Health Team commended that net-trips should not be relied upon as a justification for the non-submission of a damage cost and emission mitigation plan.

The Environmental Health officer noted that the development proposes to introduce levels of active and passive electric-vehicle charging in excess of requirements contained at Part S of the Building Regulations, not usually accepted as a mitigation on private land. In this instance, however, this was considered acceptable mitigation for this site.

The completion of a damage cost and emissions mitigation plan, for consistency, was requested, with the overarching principle of air-quality guidance stated to design emissions out of a scheme, mitigate and/or offset any residual mitigations; informed by itemised costings for expected impacts and proposed mitigation measures not calculated with reference to net-trips.

No further comments in relation to air-quality matters were made subsequent to submission of an Air Quality Damage Cost and Emissions Plan on 04.04.2024.

West Sussex County Council – Highways: No objection:-

[Summary] The Local Highways Authority (LHA) responded to raise no objection to the proposed development. It was noted that the proposed development would be served by a wide and clear access capable of accommodating two-way vehicle movements including HGVs. Swept-path tracking submitted in support of the proposed development was considered to show that entry, exit and turning in forward-gear is possible from all of the proposed units.

The LHA noted the submission of a Construction Management Plan, and Delivery, Collection and Service Management Plan, detailing the intending routing of vehicles to the south of the site via Worthing Road and the A24 and associated measures to direct larger vehicles on main routes.

On the basis of submitted trip-modelling contained within the submitted Transport Assessment the LHA officer noted that the proposed development would result in a net-reduction in floorspace and anticipated vehicle movements relative to the preceding occupancy by Sony DADC. The LHA did not consider that the proposed development would give rise to a material capacity impact, noting the lower anticipated number of overall trips, with the proposed 24/7 pattern of operation considered to help disperse traffic onto the highway network. The LHA considered the overall effect of general and HGV upon highway capacity and operation, therefore, to be acceptable.

The LHA, in addition, considered proposed provision for vehicular parking, cycle-parking and electric-vehicle charging to be acceptable in relation to published LHA guidance.

The LHA requested that a condition be incorporated to secure an upgraded tactile crossing point (to be secured by way of the S.278 process) and the receipt of a monitoring fee by way of planning obligation in relation to the recommendations of the submitted framework travel plan.

West Sussex County Council – Lead Local Flood Authority: No objection:-

[Summary] [latest comments of 06.03.2024] The Lead Local Flood Authority (within their latest response), sought to raise no objection to the proposed development in response to the receipt of an updated drainage strategy. The updated drainage strategy was considered to accord with the provisions of the National Planning Policy Framework, and Policy 38 of the Horsham District Planning Framework.

Conditions were recommended requiring the submission and approval of construction drawings for the surface water drainage network and associated components of sustainable drainage design/flow-control in advance of the commencement of development, the submission and approval of maintenance/management measures for sustainable drainage systems and the submission and approval of a verification report confirming the successful implementation of the approved surface water drainage scheme.

Place Services – Archaeology: No objection

[Summary] The Council's consultant archaeologists responded to note that the site is next to an Archaeological Notification Area (DWS9284, St Andrews Farm historic farmstead). It was, though, noted that the site has been previously developed and that a high degree of disturbance was anticipated. No archaeological recommendations, therefore, were made.

Place Services – Ecology: No objection

[Summary] The Council's consultant ecologists responded to raise no objection to the proposed development, subject to recommended conditions.

The consultant ecologist acknowledged that the three existing buildings on site provide negligible bat-roost potential, with no evidence of roosting bats on site informing the need for further surveys. The submitted Lighting Design Strategy for Biodiversity, though, was supported in the context of proximity to the Southwater Country Park Local Wildlife Site, considered to provide high-quality foraging and commuting potential for bats.

The submitted ecological assessments were considered to provide sufficient ecological information for determination, and confidence of the absence of adverse effects upon protected and priority species subject to appropriate mitigation measures being secured by way of relevant condition. These include conditions requiring adherence with the recommendations of the submitted Ecological Assessment, Lighiting Design Strategy for Biodiversity and Construction Management Plan.

The consultant ecologist welcomed the indicated biodiversity net-gain of 1.8% for habitat units and 30% for hedgerow units. Though trading rules for neutral grassland and urban trees have not been met, efforts were acknowledged as made to increase the retention of trees and to increase grassland creation. Proposed tree, hedgerow, shrub and scrub planting, was accepted, subject to accordance

with the submitted Landscape and Ecological Management Plan. The submission and approval of a biodiversity enhancement layout by way of appropriately worded condition, though, was recommended.

NatureSpace: No objection

[Summary] NatureSpace, operators of the County-wide mitigation scheme for Great Crested Newt, responded to note that the development is located within a 'red impact risk zone' and that highly suitable habitat for Great Crested Newt is present in the surrounding landscape, including 6x ponds within 500m.

NatureSpace noted the submission of ecological assessments in support of the proposed development and endorsed the recommendations of submitted assessments, including that Reasonable Avoidance Measures are followed.

Forestry Commission: Standing advice

[Summary] the Forestry Commission did not provide a bespoke response to this application and sought to draw attention to published standing advice. The referenced standing advice highlights the status of ancient woodland as irreplaceable habitat, where development resulting in the loss or deterioration of ancient woodland should be refused in the absence of wholly exceptional reasons and a suitable compensation strategy. Referenced advice, further, highlights that existing trees should be retained wherever possible and the opportunities should be pursued to incorporate trees into development and that development should seek to deliver a biodiversity net-gain.

Active Travel England: Standing advice

[Summary] Active Travel England did not provide a bespoke response to this application and sought to draw attention to published standing advice promoting good-practice design for pedestrian/cycle movements and measures to promote the uptake of sustainable travel options.

Southern Water: Standing advice

[Summary] Southern Water responded to advise of the approximated positions of existing public foul and surface water sewers, together with necessary provisions/measures for the protection of public water/sewerage infrastructure. The applicant, in addition, was reminded of the need to seek the permission of Southern Water to connect to the public sewerage network, and that sustainable drainage systems may not be adoptable by the utility provider.

Southwater Parish Council: Intention to object

Two separate responses were received from Southwater Parish Council through the course of this application. The initial response (02.11.2023) indicated that Southwater Parish Council would defer its decision to a later date. A subsequent response of 15.11.2023 indicated that Southwater Parish Council was finalising its comments in relation to this application, which would be an objection, and requested that this application be considered by Horsham District Council's Planning Committee in the event of a recommendation of approval.

No substantive comments and/or objections have, however, since been received from Southwater Parish Council.

[Officer note: The request of Southwater Parish Council to have this application considered and determined by Horsham Council's Planning Committee in the event of a recommendation for approval is acknowledged.

The adopted Constitution of Horsham District Council (February 2024) defines the scheme of delegation and function of the Council's Committees at Section 3.2. The responsibilities of the Council's Planning Committees are defined at section 3.2.2.

Section 3.2.2(c) of the Council's Constitution confirms that the function of the Council's Planning Committees include the [emphasis added]:-

> *"c.) Determination of applications as follows:*
> *7.) Where the Parish or Neighbourhood Council makes a written representation (to include email) which discloses a material planning consideration and is inconsistent with the Head of Development's recommendation, within the consultation period, and wishes to address the Planning Committee."*

In this instance, though Southwater Parish Council have expressed an intention to object, no substantive objections or material planning considerations have been disclosed by the Parish Council, and the Parish Council have not stated that they wish to address the Planning Committee. The trigger for a Committee referral defined at S.3.2.2(c)(7), therefore, is not engaged in this instance, with no other qualifying trigger defined within the Constitution engaged.]

Representations:

A single letter of objection was received in conjunction with the proposals.

The main material grounds for objection raised within public representations can be summarised as:-

- Concern regarding the 24/7 nature of this development and potential for noise disturbance associated with vehicle movements, the use of vehicle reversing alarms, the number of vehicle movements entering and leaving the site on Worthing Road and vehicle movements during evenings and weekends;
- The previous application had a restriction [Condition No.32] on hours of work, which should be the minimum imposed in this instance;
- The restrictive nature of Worthing Road to the north of Baker Close (traffic calming and schools) means that a restriction should be included requiring all access/egress from the site to be from the South.

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:

Policy 7 of the Horsham District Planning Framework (HDPF) sets out the strategic approach of the development plan to economic growth. In summary this policy seeks to preserve existing employment sites for employment use, promote the intensification, regeneration and growth of existing employment sites and encourage the creation of additional employment areas through local and neighbourhood plan allocation.

Policy 9 of the HDPF is the detailed development management policy addressing employment related development within the current local plan. This policy requires that proposals for the redevelopment of

existing employment sites/premises outside of designated key employment areas must demonstrate that the site/premises is no longer needed and/or viable for employment use and, in addition, promotes a sequential approach to the redevelopment of employment areas which prioritises, first, redevelopment for employment purposes, second, redevelopment for mixed-use or other employment creating uses and lastly redevelopment for alternative non-employment uses.

Policy 9 of the HDPF, further, promotes the expansion of existing employment sites within defined built-up area boundaries where business requirements cannot be met within existing sites/premises, through acceptable on-site expansion and/or intensification, and that relocation to existing employment stock is not preferable.

HDPF Policies 7 and 9, in addition, offer broad support for the development and provision of employment spaces suitable for small, start-up and move-on business.

SNP Policy 21 outlines the approach of the Southwater Neighbourhood Plan to economic growth. This policy, firstly, identifies Southwater Business Park as a 'Parish Employment Area' and provides that proposals within employment areas will be approved where these maintain net employment floor-space or the number of full-time equivalent jobs. In the instance of redevelopment for non-employment uses, SNP Policy 21 provides that only where a unit is vacant, has been marketed for its current use for a reasonable period and the amount of investment necessary to return the premises to employment use is demonstrated is unviable will non-employment uses be considered acceptable as part of a mixed use scheme. If such a mixed use scheme were to be proposed, any such proposal should incorporate as much employment floorspace as is viably possible.

Policy 30 of the Regulation 19 HDLP addresses existing employment sites and premises, and additionally proposes to identify Southwater Business Park as a 'key employment area' protected for industrial, storage and distribution uses (B2, B8 and E(g)ii/iii). Draft Policy 30 provides that proposals for the redevelopment, regeneration, intensification and expansion of existing employment sites for employment uses will be supported where it facilitates the retention of existing businesses in the District and/or protects or creates new jobs. Proposals within key employment areas, including for alternative '*sui generis'* employment uses and office accommodation must demonstrate how such development supports the integrity and function of the key employment area, does not result in the overall net-loss of employment floor space and would lead to a significant upgrade of the retained employment floorspace.

At present the provisions of the Regulation 19 HDLP are considered to attract limited weight by reason of the comparatively early stage of preparedness and extent of unresolved objections in light of the provisions of NPPF paragraph 48.

The proposed development involves the re-use of previously developed land within a defined built-up area boundary and designated employment area for the provision of commercial buildings to be used for a range of employment uses (E(g)(iii), B2 and/or B8). The range of proposed uses are appropriate to a designated employment site and would not detract from the integrity of the designation.

The scale of proposed facilities would represent a net-reduction in overall gross-internal floorspace relative to the former Sony DADC premises, though, assessment undertaken by the applicant in relation to the HCA Employment Densities Guide anticipates the proposed development to support an employment range of 137-253 full-time equivalent relative to known employment level of 148 employees previously sustained by the Sony DADC operation. The nature of previous employment (whether full-time or part-time) sustained by the Sony DADC operation is, though, unknown, with the likelihood that this figure does not reflect full-time equivalent (FTE) levels. With regard to this consideration, and that the lowest anticipated employment level at 137 FTE employees (correlating to the use of all units solely for B8 purposes), it is highly likely that the proposed development would support a greater level of employment when compared to the previous operation, notwithstanding a net-reduction in overall floorspace.

The proposed development, in addition, shares significant similarities with the quantum, type and scale of facilities previously permitted pursuant to ref: DC/22/0302, which remains extant and capable of implementation. The current scheme would provide a minor uplift of ~5% in gross-internal area and

gross-external area relative to this previous permission, such that the current proposal is considered to make more efficient use of the site and its status as previously developed land.

It is, further, deemed relevant that the former Sony DADC facilities have now been demolished in accordance with previous permissions and that there is no prospect that these could be returned to active operation and/or occupation. Irrespective of the precise scale of employment supported, the proposal would result in the site being returned to productive use and would derive clear economic benefits to the local community and wider economy in supporting local employment and a demand for services. Overall, therefore, notwithstanding a net-reduction in floorspace relative to the previous operation, it is considered that the proposed development accords with the requirements of Policy SNP 21 in sustaining employment levels and in seeking to address the business needs of the District as promoted by HDPF Policies 7 and 9.

Character, Design and Appearance:

Policy 25 of the HDPF seeks to protect the natural environment and landscape character of the District, including the landform and 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, landscape, open spaces and to consider any impact on the skyline and important views.

SNP policy SNP16 seeks to ensure that all development is of a high-quality design, seeking to promote the use of locally sourced materials, a variety of complementary vernaculars and the adoption of ‘secure-by-design’ principles. Policy SNP17 seeks to ensure that development utilises existing site-levels wherever practically possible, that building heights are appropriate to local character, that internal floor-levels are no more than 1m above street level, that spoil from development is retained on site for landscaping purposes and that appropriate datums are made available to inform assessment of major applications.

The proposed development would introduce three buildings arranged against the north-eastern site boundary with parking, access and circulation spaces to their respective front or side. This proposed arrangement is considered a logical response to the scale and shape of the application site, enabling the preservation of the most significant landscape features in the form of existing vegetation/trees present to the southern and north-eastern site boundaries.

The design and scale of proposed units is typical to industrial style development, with the proposed height, form and scale of proposed units considered appropriate to their intended function and situation within Southwater Business Park, where the commercial character of existing/former facilities is already appreciable. In this context it is not considered that the proposed units would appear unexpected within public views from Southwater Country Park or the Downs Link footpath, where glimpsed views of the site can be obtained through vegetation, with the site considered well contained in its townscape context. It is, therefore, not considered that the proposed development would harmfully impact upon local townscape character, or the wider visual identify of Southwater in conflict with the provisions of HDPF Policy 25.

The submitted levels plan confirm that proposed development would substantially retain existing levels, with proposed buildings incorporating a finished-floor level broadly level with the existing business park access. Levels are noted to fall towards the southern and north-eastern boundaries of the site, necessitating staired emergency accesses to the rear of units, though this is largely reflective of the existing situation with the proposed development not effecting any significant change to the existing landform.

The vertical faces of proposed buildings would be clad externally with muted colour panels, with the southern and south-western elevations of Unit 7 making extensive use of green tinted panelling to lessen the visual prominence of Unit 7 within public views from Southwater Country Park. Though it is recognised that the proposed development does not make comprehensive use of green tinted panelling, as requested by the Council's Landscape Architect, this is not considered necessary to ensure a successful design or to avoid harm to local character, especially noting that former buildings did not pursue this approach. The buildings previously approved pursuant to ref: DC/22/0302, further, featured a neutral grey palette of external materials without any green tinting such that the currently proposed material palette would prove more sympathetic to its context in response to the comments of the Council's Landscape Architect.

The proposed landscaping strategy would retain mature existing trees present to the perimeter of the application site, and introduce additional/new planting along the southern and south-eastern site boundaries, within large planting strips forward of proposed units and within an amenity area for employees separating proposed Units 3 and 4. Though the Council's Landscape Architect has commented that the latest iteration of the soft-landscaping proposals (Rev A) effects a reduction in planting numbers relative to initial proposals, the overall quantity of planting within a commercial site of this scale/nature remains significant and of high-quality. The reduced plant numbers, as referenced by the Council's Landscape Architect, comprise predominantly low-level plants (shrubs/grasses) within the communal amenity area separating Units 3 and 4. It is not considered that the loss of this planting compromises the overall success of the landscaping strategy, with landscaping considered to compliment an overall high-quality design and successful integration with the character and appearance of the site surroundings.

The proposed development would introduce tall acoustic fencing and relatively extensive access/parking facilities. Fencing, however, is not extensive within the site such that its introduction would harmfully impact upon local character, with access/parking facilities contained to the front or side of proposed buildings in a position largely reflective of the positioning of previous access/parking facilities. Overall, therefore, it is considered that the proposed development is of an appropriate design, scale and appearance, which would successfully integrate with the character and appearance of its respective surroundings in accordance with HDPF Policies 32 and 33 in addition to SNP Policies SNP 16 and SNP 17.

Heritage:

Policy 34 of the HDPF, *inter alia,* requires that development preserves, retains and enhances the setting of heritage assets and ensures the clear legibility of heritage assets within public views.

Policy SNP 19 of the SNP requires that development protects and/or enhances the significance of parish heritage assets (including the Downs Link).

The application site does not contain any heritage designations, neither is the proposed development considered to effect the setting of any listed buildings (including the Cock Inn) by reason of the scale of intervening distance and number/nature of intervening features.

The site does effect the setting of the Downs Link as a parish heritage asset, with views of the site obtained through vegetation from the existing foot/cycle path. As reasoned previously, however, it is considered that the proposed development is of an acceptable scale, type and design to its respective context, not considered to adversely impact upon the significance of the Downs Link or an understanding of this parish heritage asset as a former railway.

The proposed development, therefore, is considered in accordance with the requirements of HDPF Policies 34 and SNP Policy SNP 19.

Arboriculture:

Policy 33 of the HDPF, *inter alia*, presumes in favour of the retention of existing natural features, including trees and woodland. Development must justify and mitigate any losses which may occur.

SNP Policy SNP 18 provides that development proposals should produce measurable improvements to the treed environment to ensure biodiversity net-gain. Where existing trees or woodland are lost by development, this must be replaced with trees or new woodland of greater environmental value on site or elsewhere within the Plan Area (Southwater Parish). Trees planted should be suitably mature and, as a minimum, conform to BS 3936-1 and 10-12cm in girth.

Policy SNP 18, additionally, sets a requirement for major development to provide a minimum of one new tree per 40m^2 of floorspace created. This should be provided on-site or off-site within the plan area if no suitable land is available within the site. SNP 18 provides that measures should be put in place to safeguard trees and their survival. If trees cannot be provided on site, and the applicant is unable to deliver trees at an alternative location, a commuted sum may be paid in lieu of tree-planting.

The proposed development is supported by an Arboricultural Implications Report conducted in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction). This confirms that the proposed development would retain trees present within/adjacent to the site perimeter, but would remove a number of Willow and Poplar trees located within the former parking area at the southern extent of the site.

The proposals have been reviewed by the Council's Arborist, who has confirmed no objection to the proposals, noting the absence of any significant landscape trees within the proposed development and subject to conditions requiring adherence to the various mitigations proposed within the Arboricultural Implications Report. Though the proposed development would involve works adjacent to designated ancient woodland within the 15m buffer of the designation, the proposals mostly involve the redevelopment of existing hardstand within this buffer. The development, further, provides greater separation, biodiversity and landscape improvements within the 15m buffer when compared to the previously approved development ref: DC/22/0302. No objection as to the integrity of this habitat has been raised by the Forestry Commission, by the Council's Arborist or consultant Ecologists. The proposed landscaping strategy would introduce additional tree-planting, deemed sufficient to compensate for trees proposed to be felled in conjunction with the proposed development. The arboricultural effects of the proposed development, therefore, are considered acceptable in relation to the provisions of HDPF Policy 33 and paragraph 186c of the NPPPF.

In respect of the provisions of Policy SNP 18 in relation to new-tree planting the proposed development does not attempt to provide on-site or off-site planting (or an equivalent contribution) at a ratio of 1-tree to 40m^2 of new floorspace. It is, though, noted that the proposed development involves a net-decrease in overall floorspace relative to former Sony DADC facilities, a situation which was considered to justify new tree planting at a ratio consistent with SNP Policy 18 in the previous consideration of ref: DC/22/0302. There have been no material changes in circumstance since that previous determination, accordingly, it is considered that the proposed development remains acceptable in relation to the provisions of SNP Policy 18 in this regard.

Ecology:

Policy 31 of the HDPF seeks to protect the natural environment and green infrastructure of the District. HDPF policy 31 confirms that protected habitats and species will be protected against inappropriate development while development resulting in the loss of green infrastructure will be resisted unless new opportunities to mitigate and/or compensate for loss are provided. Development will be required to contribute to the enhancement of existing biodiversity, including through the creation of new habitats where appropriate. Development which retains and/or enhances significant nature conservation features will be supported, or which improves linkages between habitats between local and regional ecological networks.

<u>Site Specific Effects:</u>

This application pre-dates statutory requirements to provide a specified Biodiversity Net-Gain (BNG), though, is supported by site specific Ecological Assessments (including species specific assessments) and a Biodiversity Net-Gain strategy. These reports have been reviewed by the Council's consultant ecologists and have been found acceptable, being considered to provide confidence of the absence of adverse effect upon protected and/or priority species, subject to relevant mitigations. It is, additionally,

considered that the proposed BNG measures would deliver a 1.8% improvement in habitat units and 30.18% gain in linear hedgerow units, deemed proportionate to the requirements of current development plan policy. Subject to the inclusion of appropriately worded conditions, therefore, it is considered that the site-specific ecological effects of development are acceptable. In this regard it is noted that the Council's consultant ecologists have recommended the inclusion of a condition requiring the submission and approval of a biodiversity gain-layout, though, this detail is included as plans 3 and 4 included with the proposed Biodiversity Net Gain Report such that it is unnecessary for reserve details for future approval.

Arun Valley SAC, SPA and Ramsar (Water Neutrality):

The site falls within the Sussex North Water Supply Zone (WSZ), where mains-water is supplied from sources including groundwater abstractions underlying the Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar sites (the Arun Valley sites). Within its 'Position Statement' of September 2021, Natural England advise that public groundwater abstraction may be adversely impacting the integrity of the Arun Valley designations and, therefore, that development within the WSZ should demonstrate 'water neutrality' in order to avoid contribution to an existing adverse effect.

The proposed development is supported by a Water Neutrality Statement (WNS), which sets out a strategy to achieve water-neutrality through the attainment of specified standards of water-efficiency and the incorporation of rainwater harvesting systems in combination, analogous to those previously approved in conjunction with ref: DC/22/0302. These measures have been formally, and thoroughly, considered by way of an appropriate assessment conducted pursuant to Regulation 63 of the Conservation of Habitats and Species Regulations, which concludes that the proposed mitigations would achieve water-neutrality such that the development would avoid possible adverse effects upon integrity. Natural England have responded to confirm their agreement with the conclusions of the Authority's appropriate assessment. Subject to the implementation and retention of proposed mitigations by way of appropriately worded condition, therefore, the proposed development avoids harm to the integrity of Arun Valley sites. Without regard to any other material consideration, planning permission can be granted without conflict with the Authority's duties under the Conservation of Habitats and Species Regulations.

Impact upon Nearby Occupiers/Users of Land:

Policy 33 of the HDPF requires that development is designed to avoid unacceptable harm to the amenities of nearby occupiers/users of land, including by way of loss of light, privacy and/or overshadowing and with regard to the potential for disturbance arising from development. Policy 24 of the HDPF requires development to minimise the emission of pollutants, including noise, odour, air and lighting pollution, ensuring that development is appropriate to its location and with regard to anticipated impacts upon human health and the wider environment.

The application site is located within the defined built-up area boundary for Southwater, though, is separated from nearby residential development by a disused car-park to the adjacent north-west of the site, by the Downs Link and by Southwater Country Park. This relationship, and the resultant separation to nearby dwellings, is sufficient to ensure that the proposed development would not adversely impact upon the receipt of natural light by nearby occupiers, or upon a reasonable standard of privacy.

Light Pollution:

The proposed development is supported by a detailed lighting design scheme and associated External Lighting Impact Assessment. These details confirm that the majority of lighting associated with the proposed development is to be introduced to the front (south-west) of proposed units, with very limited and low intensity lighting introduced at emergency access points to the rear of proposed buildings. As modelled within the submitted Lighting Assessment it is expected that there will be little light trespass beyond the perimeter of the site area, with none to the rear of the site in the direction of the closest residential premises to the north of the site and existing vegetation) along the Downs Link (as a feature

of ecological interest). Any degree of light intrusion towards nearby residential occupiers, therefore, is expected to prove very limited and not considered to result in unacceptable harm.

It is not considered that proposed lighting would unacceptably impact upon the residential amenities of occupiers in the wider vicinity of the site (including on Bakers Close, Cripplegate Lane and Andrew's Lane) by reason of the increased degree of intervening distance. The proposed development, therefore, is considered to comply with the provisions of HDPF Policy 33 in this regard.

In order to minimise the emission of pollutants the submitted Lighting Assessment confirms that the detailed lighting design scheme has been designed with regard to the Institute of Lighting Professionals guidance and BREEAM standards. It is understood that measures to limit pollution include the fitting of hoods to luminaires, the use of luminaries not exceeding an intensity of 108 Candelas, luminaires within a temperature range of 2700-3000 kelvin and the use of timeclocks/photocells to limit the use of lighting outside of operational hours. These measures to lessen light pollution are deemed proportionate to the proposed development and assist in establishing the acceptability of the proposal within its respective context in accordance with HDPF Policy 24.

Noise Pollution:

The previously approved application ref: DC/22/0302 incorporated a number of conditions related to matters of noise control. Condition 27 requires the prior assessment, submission and approval of plant and machinery equipment prior to relevant operation, Condition 31 requires construction, fabrication and servicing activity to take place within the fabric of approved buildings and Condition 32 restricts the receipt of deliveries or despatch of deliveries to the hours of 07:00-20:00 Monday-Friday and 07:00-18:00 Saturdays. The extant permission does not restrict hours of general operation.

The applicant has made several submissions through the course of the application in respect of acoustic matters, principally concerning the proposed despatch and delivery of HGVs during night-time hours. Two acoustic 'technical notes' have been provided in addition to the initially submitted Noise Impact Assessment. The applicant within correspondence, further, has also suggested a condition limiting the number of night-time HGV movements as a means of addressing concerns held by the Council's Environmental Health team.

At the time of determination, therefore, the applicants position is that Units 1-7 are proposed to operate (internally) on a 24/7 basis, consistent with the previously approved ref: DC/22/0302. The applicant does not seek consent for the night-time despatch or delivery of HGVs to Units 1-6 (outside of 23:00-07:00 Monday – Friday), however it is proposed that despatches and deliveries to/from Unit 7 be limited to 16x HGV (8x two-way movements) nightly between the hours of 23:00-07:00 Monday-Friday, with no despatches or deliveries between these hours on Saturdays, Sundays or public holidays.

The applicant has not specified any anticipated end-occupiers of the proposed units, accordingly, it is understood that the proposed development is made on a speculative basis without direct reference to the known requirements of any future occupier.

The proposed development would attenuate its acoustic impact partly as a natural consequence of its proposed layout, which positions proposed buildings in-between yard/access spaces and neighbouring dwellings to the north, and by way of the introduction of acoustic fencing between proposed units and to a section of the north-western site boundary. The applicant, further, has agreed to conditions limiting fabrication, processing, repair and servicing activity other than within proposed buildings and a condition requiring the prior-assessment, submission and approval of external plant equipment prior to installation. It is considered that these measures are sufficient to establish the acceptability of general operations within the site, including on a 24/7 basis, without unacceptable disturbance to the living conditions of nearby occupiers. This is deemed consistent with the extant permission on the site.

The concern raised by the Council's Environmental Health team relates to the specific effects of night-time HGV movements between the hours of 22:00-07:00 to/from the site via the Business Park access onto Worthing Road, and upon residential receptors close to this junction (Bakers Close and Andrew's Lane). HGV movements south of the site via Worthing Road (in accordance with the proposed routing strategy) would also pass through the built-up area of Southwater village for an approximate length of

~1.25km before joining the A24. Were vehicles routed to the north of the Business Park, these would travel for an approximate distance of ~2.2km through Southwater village before joining the A24.

The applicants acoustic 'technical note' of 19 April 2024 seeks to expressly address the concerns raised by Environmental Health and assess the effects upon noise sensitive receptors adjacent to the Business Park access from night-time HGV movements. The applicants assessment models that HGV movements on the Business Park access would result in a predicted noise level of 66 dB L_{AFmax} (free-field) at the closest noise sensitive receptor (No.9 Bakers Close), reducing to 52 dB L_{AFmax} with windows open and 43 dB L_{AFmax} inside with windows closed. The applicant reasons, with regard to guidance contained within the 'ProPG - Planning & Noise - New Residential Development' document, that noise events not exceeding 45 dB L_{AFmax} for no more than 10 occasions per night would comply with 'good' conditions for new residential development, and that, were the development to result in these conditions being exceeded, that development should be considered to result in a 'lowest observed adverse effect level' (LOAEL).

The applicant reasons that with windows closed the 45 dB L_{AFmax} ProPG parameter would not be exceeded (the modelled result being 43 dB L_{AFmax}) and that, therefore, no potential adverse effects would arise outside of the instances where windows are open. The applicant acknowledges that it is not possible to predict the frequency with which existing residents open windows, though, does seek to draw attention to Approved Document O which states that windows are likely to be kept closed during sleeping hours if noise within bedrooms exceeds 55 dB L_{AFmax} no more than 10 times a night, such that a 52 dB L_{AFmax} value is unlikely to adversely impact upon reasonable residential enjoyment.

The modelled noise level associated with HGV movements on the Business Park access suggests that movements would result in noise levels close to the 45 dB L_{AFmax} ProPG parameter in the event that windows were kept closed. In the event that windows were kept open, the modelled noise level of 52 dB L_{AFmax} is in excess of the ProPG parameter and close to the Approved Document O parameter of 55 dB L_{AFmax}.

The Council's Environmental Health team have responded to opine that the Approved Document O value of 55 dB L_{AFmax} is insufficiently protective against sleep disturbance and have raised concern with the prospect of noise events in excess of 45 dB L_{AFmax} relative to the World Health Organisation (WHO) value of 45 dB L_{AFmax} during night-time hours.

With regard to anticipated maximum noise levels associated with HGV movements, and impacts upon noise sensitive occupiers proximate to the Business Park access, it is not considered that the Council can have confidence of the absence of unacceptable noise disturbance.

Noise events modelled by the applicant exceed the WHO value (as reflected within the ProPG guidance) when windows at the closest noise sensitive receptor are open. While the applicant is correct to remark that the frequency with which occupiers would sleep with open windows is unknown, it is considered insufficiently precautionary to assume that occupiers would not sleep with open windows for significant periods of the year such that noise levels would not regularly exceed the WHO value and give rise to the potential for sleep disturbance. It is also considered unreasonable to expect that residents should now keep their windows shut at night due to disturbance caused by HGV movements, particularly in summer months and when there is no evidence the residents have access to fresh air from other sources such as mechanical ventilation.

It is, additionally, deemed relevant that modelled noise events when windows are closed are close to the ProPG 45 dB L_{AFmax} value and which assumes that noise events do not exceed that value on more than 10 occasions per night. The applicants proposed limit on night-time HGV movements is 16x movements per-week night (equivalent to one movement every 30 minutes if spaced at even intervals). Those additional movements are not abstract, with the additional frequency of noise events at 43 dB L_{AFmax} considered relevant to the calibration of acoustic effect.

The applicant advances that it is generally accepted that development exceeding the ProPG guidance values is calibrated as a LOAEL, though, this is not explained further. As also recognised by the applicant, it is noted that the ProPG guidance addresses new residential development which may also inform the calibration of acoustic effect, understanding that new residential development can employ

additional measures to avoid and/or mitigate harm, including the provision of mechanical ventilation, alternative ventilation and/or acoustic attenuation. Such measures are not available as a form of mitigation to existing residents in association with relevant effects in this instance.

In the context of pre-existing low/no levels of night-time HGV movements on the Business Park access it is considered that the available modelling/assessment of night-time HGV movements associated with the proposed development are indicative of a significant impact as also considered by the Council's Environmental Health team. This is, therefore, considered to give rise to a need to avoid such harm through the incorporation of planning conditions preventing the receipt/despatch of HGVs between the hours of (22:00-07:00). It is recognised that this limitation is more generous than that previously attached to the extant permission, though, in the context of the additional acoustic modelling conducted by the applicants it is clear that the acoustic impact of concern is the potential for sleep disturbance associated with HGV movements. The Council's Environmental Health team have verbally confirmed that a 22:00-07:00 limitation on the receipt/despatch of HGVs would prove sufficient to avoid the potential for unacceptable levels of sleep disturbance. It is, therefore, unnecessary to restrict the receipt and despatch of all vehicles to 20:00 hours in a manner consistent with the extant permission.

Even if the applicants calibration of acoustic impact is considered correct, acoustic guidance establishes that low level adverse effects should be mitigated and reduced to a minimum[1]. With regard to the nature of the impact, HGV movements beyond the perimeter of the site, there are no realistic mechanisms by which relevant effects could be reduced and/or mitigated other than by way of limitations placed upon the number of permitted vehicle movements or by limitation on the approved hours of despatch and delivery. With regard to the applicants suggested limitation of 16x week-night HGV movements, the justification for this limit in acoustic terms, with express reference to the relevant PPG, is considered unclear. The applicant identifies that occupiers of Units 1-6, the smaller proposed units, are unlikely to require night-time HGV movements. In respect of the remaining Unit 7 the applicant explains that the development can support "no more" than 8x two-way movements (16x total movements) per night. While it is explained that this will limit the number of vehicle movements to a level already consistent with observed movements on Worthing Road, and therefore acoustic assumptions relevant to the assessed degree of noise change for occupiers elsewhere on Worthing Road, the limit as suggested by the applicant appears consistent with the maximum number of HGV movements which Unit 7 could theoretically support over the night-time period. The applicants suggested limits, therefore, would not provide any constraint to the expected operation of the site over the night-time period beyond Saturday and Sunday nights where the appellant suggests HGV movements should be prohibited. It is considered that the expectation set by the PPG, is for low adverse noise effects to be mitigated and reduced to a minimum (emphasis added). A limit which does not attempt to reduce relevant noise effects, therefore, does not accord with that expectation.

Any limit to be attached to a consent by way of planning condition must accord with the requirements of NPPF Paragraph 56, including that the requirements of that condition prove enforceable. In this regard the applicant has suggested that, prior to occupation, a vehicle monitoring system shall be installed at the entrance to Unit 7 to monitor HGV entries/exits from the site, with logs to be made available to the Authority upon request.

It is, though, considered that a limitation on the number of night-time HGV movements would not prove enforceable by the Authority. Such a limitation would involve a significant monitoring burden. Even if a vehicle monitoring system is installed it is considered an unrealistic expectation that future occupiers retain and maintain such a system, with associated logs, for the lifetime of development. This approach, further, assumes that a vehicle monitoring system (details of which are not available) is effective in accurately recording the number of vehicle movements, the type of movements (one way or two way) and is capable of distinguishing between HGVs and other vehicle types. On the basis of available detail, therefore, the Authority does not have confidence that the suggested limit on the number of night-time HGV movements could be realistically enforced, or that a distinction between vehicles falling within the definition of an HGV and otherwise could be drawn and enforced. It is noted

[1] Noting that the Noise Exposure Hierarchy Table referenced at paragraph 005 to the PPG (https://www.gov.uk/guidance/noise--2) advises that the appropriate action in response to the identification of LOAEL is for such effects to be mitigated and reduced to a minimum.

that the Council reached the same conclusion in respect of an identical limit in its previous consideration of ref: DC/22/0302, as confirmed at paragraph 6.46 of the published committee report.

Overall, it is considered that the general acoustic effects of proposed development, which would include internal operation on a 24/7 basis (consistent with the extant permission on the site), are acceptable without unacceptable effect upon nearby occupiers/users of land. A specific concern regarding the acoustic effects of HGVs despatched and/or received into the site during night-time hours, however, does remain and is considered to give rise to the potential for significant disturbance to occupiers of dwellings close to the Business Park access. As it is not considered that a condition defining a certain numerical limit on the number of movements by a specific category of vehicle would be realistically enforceable for the lifetime of development, it is, therefore, considered necessary to include a planning condition restricting the general receipt and/or despatch of vehicles during night-time hours (22:00-07:00). Deliveries and dispatches are, therefore, recommended to be permitted only between 07:00hrs-22.00hrs of the same day Monday - Friday, 07:00hrs - 18:00hrs on Saturdays, and at no time on Sundays, Bank Holidays or Public Holidays in order to prevent potential unacceptable harm to nearby occupiers of land and to ensure that the proposed development is appropriate to its respective context in accordance with HDPF Policies 24 and 33.

Parking, Highway Safety and Operation:

Policy 40 of the HDPF states that transport access and ease of movement is a key factor in the performance of the local economy. Policy 40 of the HDPF seeks to promote a modal-shift away from the use of the private vehicle, recognising that the need to develop sustainable means of travel is vital to improve development across the District.

NPPF paragraph 115 confirms that development should only be prevented or refused 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.

Policy 41 of the HDPF provides that development should provide adequate parking facilities to meet the needs of anticipated users. Policy 41, further, confirms that consideration should be given to the needs of cycle parking, motorcycle parking and charging facilities for low-emission vehicles.

The proposed development would be accessed via the pre-existing Business Park access onto Worthing Road, which is considered suitable to support development of the scale/type proposed without adverse highway-safety effects. Swept-path tracking conducted in support of the proposed confirms that HGVs could manoeuvre to exit the site in a forward gear.

In support of the proposal the applicant has submitted a Transport Assessment, Framework Travel Plan and Delivery, Collection and Service Management Plan. Assessment of trip movements by way of TRICS analysis, contained within the submitted Transport Assessment, results in a modelled reduction of 28x trips during the AM peak and 14x trips during the PM peak, largely accounting for the reduction in floor-space relative to the former Sony DADC facilities. Modelled vehicle movements associated with the proposed development would include 2x ordinary good vehicle (OGV) movements during the AM peak and 1x OGV movement during the PM peak, with 130x two-way movements during the AM peak and 158x two-way movements modelled during the PM peak.

The submitted Delivery, Collection and Service Management Plan details good practice measures to regulate traffic movements to/from the site, including the routing of HGVs southwards on Worthing Road towards to the A24 to avoid movements through the village centre

The submitted Framework Travel Plan outlines measures to increase active and sustainable travel, including a commitment to firm modal share targets once a finalised Travel Plan document is submitted (consistent with Active Travel England advice), the provision of cycle stores in excess of minimum LHA requirements and provision of dedicated pavements within the site with tactile pavement components at the point of access to the Business Park access road. Given the sustainable context of the application site these measures are deemed proportionate and will assist in promoting a modal shift in combination with measures to be detailed within a finalised Travel Plan document.

The transport related assessments/documents provided by the applicant have been reviewed by the LHA, who have raised no objections to these assessments or to the overall effects of the proposed development upon highway safety or operation.

In respect of parking provision, the proposed development would provide 130x total vehicular parking spaces, in excess of LHA requirements (~105x spaces) for facilities of the proposed range of uses. The current proposal, also, compares favourably with the extant scheme in this respect, which was approved with the provision of 119x spaces. The submitted Transport Assessment (at section 4.5) models the expected accumulation of vehicles within the site during different working hour scenarios and is considered to provide additional confidence that proposed parking provision would provide sufficient capacity for the proposed development.

Proposed levels of active and passive Electric Vehicle (EV) charging are, further, concordant with levels recommended within LHA guidance, and would be further increased by the provision of 14x additional active EV charging points and 79x passive EV ducts as specified within the submitted Air Quality Damage Cost and Emissions Plan.

Overall, it is considered that the proposed development satisfied the requirements of HDPF Policies 40 and 41, SNP Policies 13 and 15 and NPPF Paragraph 115.

Flood Risk:

Policy 38 of the HDPF, *inter alia,* provides that development which has the potential to increase flood-risk must incorporate sustainable drainage systems (SUDS) wherever feasible, or incorporate alternative water-management measures to ensure that flood-risk is not increased elsewhere.

The proposed development is supported by a detailed Flood Risk Assessment and Drainage Strategy, which acknowledge the surface water flood-risk within the site with the proposed development to be serviced by of SUDS infrastructure designed to achieve greenfield 'run-off' rates (including appropriate climate change allowances). The submitted Flood Risk Assessment and Drainage Strategy includes precise details of drainage design and components, together with associated calculations. These have been reviewed by the Lead Local Flood Authority (LLFA) who have responded to confirm no objection to the proposals.

It is, therefore, considered that the proposed development adequately addresses the risk of flooding within the site, and is supported by an appropriate drainage strategy which would ensure that future occupiers are not unacceptably exposed to the risk of flooding or that the proposed development would increase flood-risk elsewhere. The provisions of HDPF Policy 38, therefore, are deemed to be satisfied.

Air Quality:

Policy 24 of the HDPF, *inter alia*, requires that development contributes to the implementation of Air Quality Action Plans and does not conflict with the objectives of relevant plans. In addition, HDPF Policy 24 requires that development maintains or reduces the number of people exposed to poor air-quality.

The application site is not located within or in the proximity of an air-quality management area, though, the scale of proposed development and nature of proposed development does have the potential to worsen local air-quality conditions. The development is supported by an Air Quality Assessment and Damage Cost and Emissions Plan, the former of which advances that the effect of development upon local air-quality conditions would prove negligible and that no specific air-quality mitigations are necessary. This position, however, is predicated upon a net-reduction in vehicle trips and reduction in emissions relative to the previous Sony DADC operation. The Air Quality and Emissions Guidance for Sussex (2021) document sets an expectation that development mitigates and/or offsets any anticipated air-quality emissions (damages), and incorporates a strategy to offset those emissions irrespective of historic emissions in order to effect an overall improvement in air-quality in the County.

The submitted Damage Cost and Emissions Plan does include a calculation of expected damages resulting from the proposed development and outlines measures to offset modelled damage costs,

including the installation of additional active and passive EV charging points (in excess of Building Regulations and LHA guidance) in addition to the provision of green roofs to proposed cycle stores. No objection to these measures have been raised by the Council's Environmental Health team, which are sufficient to offset expected damages resulting from proposed development. The submitted parking and layout plans do not take account of the proposed mitigations contained within the Damage Cost and Emissions Plan, accordingly it is necessary to require the submission and approval of these details by way of appropriately worded condition in order to secure implementation. Subject to such a condition the proposed development satisfies the requirements of HDPF Policy 24 in this regard.

Climate Change:

HDPF Policies 35, 36 and 37, collectively, require that development mitigates against the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the aspirations at Chapter 14 of the NPPF that local plans and decisions seek to minimise the contribution of development to climate change and, in addition, mitigate against and reduce the effects of climate change.
As considered in the previous sections of this report it is considered that the proposed development includes an acceptable strategy to manage surface water, mitigate the risk of flooding, improve biodiversity and promote sustainable transport.

The submitted BREEAM Pre-Assessment Report anticipates that the proposed development will achieve a BREAAM 'very good' rating (~59%) in excess of the minimum required 55% threshold. An 'excellent' rating of ~73% is, further, identified as achievable subject to finalised design and post-completion assessment. The relevant credits which the proposed development can achieve under the BREEAM standard relate to a wide range of considerations, not solely confined to energy efficiency and/or generation measures. Certain components of the BREEAM assessment, including the proposed strategy to manage surface water, mitigate the risk of flooding, ecological effects, improve biodiversity and promote sustainable transport have been considered within previous sections of this report and found acceptable. The BREEAM assessment, however, does detail measures to lessen energy use, including at construction and operational stage, in accordance with the aspirations of HDPF Policies 35, 36 and 37, which do not necessitate a rigorous or specific standard of energy efficiency to be achieved by commercial development. Overall, it is considered that the proposed development incorporates acceptable measures to lessen its contribution to climate change and its effects in accordance with the collective provisions of HDPF Policies 35-37.

Land Contamination:

HDPF Policy 24, *inter alia,* requires that development addresses land contamination by promoting the appropriate re-use of sites, including through the delivery of appropriate remediation measures.

The proposed development is supported by a 'Phase 2' Geo-Environmental and Geotechnical Site Assessment, and Remediation Strategy and Verification Plan. Council's Environmental Health team have accepted the majority of findings and remediation measures specified within the submitted contamination/remediation assessments with the exception of reported 'ground gas' levels at location CP02 where concern is, specifically, raised with extent of monitoring over time and the recording of strong solvent odours within sample WS201.

The applicant's response is that four recent rounds of ground-gas monitoring were undertaken over the period of (April-October 2023) with negligible flow-rates for ground-gas recorded within all four monitoring periods. The applicant, further, advances that additional ground-gas monitoring is highly unlikely to result in an upgrade in the category of risk relative to CIRIA C665 guidance, with regard to accepted values for a mixed residential/commercial development provided as an example within the guidance and the nature of proposed development as a fully commercial development. Borehole logs for CP02 reveal the presence of weald clay (generally regarded as an impermeable formation) surrounding the made ground at CP02 such that significant movement of hazardous gasses beyond this immediate location is unlikely. Proposed mitigations for the control of hazardous gas within Unit 7 (overlying CP02) include the installation of ground gas protection measures to a CS2 risk rating, which

would include measures such as responsive floor design and/or the incorporation of gas protection membranes as detailed within the Remediation Strategy document.

Overall, while it is considered that it would have been advantageous for additional ground-gas monitoring to have been conducted prior to determination, it is not considered that the available data indicates a significant risk to future occupiers in this instance. Recorded flow rates for hazardous gasses are low, and considered capable of being controlled by way of in-built control measures as detailed within the submitted remediation strategy. It is recognised that an element of risk would remain, though, this is not considered to justify planning permission being withheld for the re-use of a previously developed commercial site. No conflict with the requirements of HDPF Policy 24 in respect of the management of contaminated land is considered in this instance.

Conclusions:

The proposed development is situated within a defined built-up area boundary and would make use of previously developed land. The range of proposed uses are considered compatible with the designation of the application site as an employment site, with the evidence before the Authority indicating that the proposed development would support a net-increase in FTE employment levels. The proposed development is considered an acceptable form of development in principle and to accord with the provisions of HDPF Policies 7 and 9 in addition to SNP Policy SNP 21.

It is considered that the nature, scale, height and design of development is appropriate to the townscape and visual character of its respective setting, and would not result in the loss of significant trees, ecological features or harm to the setting of any heritage asset. The proposed development is considered to accord with the requirements of HDPF Policies 25, 32, 33, 34 and SNP Policies SNP 17, SNP 18 and SNP 19. The proposed water neutrality strategy, further, is considered to establish the absence of adverse effects upon the integrity of the Arun Valley sites, such that a grant of planning permission would not conflict with the Authority's obligations under the Conservation of Habitats and Species Regulations 2017 (as amended).

The proposed development is not considered to increase flood-risk elsewhere, to result in unacceptable highways effects, unacceptable air-quality effects or to expose future occupiers and the surrounding environment to contamination, subject to relevant conditions. The proposals are considered in accordance with the provisions of HDPF Policies 24, 38, 40 and 41 in these regards.

The proposed development is not considered to result in the overshadowing of neighbouring land/property, a loss of privacy to occupiers of nearby land or property or to expose nearby occupiers to unacceptable levels of light pollution. The proposal accords with the provisions of HDPF Policies 24 and 33 in these regards.

It is considered that general operations within the site can occur on a 24/7 basis without the risk of unacceptable harm or noise disturbance to nearby occupiers of land, though, it is considered that night-time HGV movements to/from the site would result in significant harm to occupiers close to the junction between Worthing Road and the Business Park access. It is, therefore, considered necessary to prevent night-time movements by way of appropriately worded condition in order to establish compliance with HDPF Policies 33 and 24.

Overall, subject to the recommended conditions, it is considered that the proposed development complies with the relevant provisions of the development plan. There are not considered to be any material considerations which would justify a refusal of planning permission as a departure from the provisions of the development plan, accordingly, it is recommended that planning permission be granted subject to the conditions listed below.

<u>COMMUNITY INFRASTRUCTURE LEVY (CIL)</u>

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
Other Development	7,667	0	0
		Total Gain	**0**
		Total Demolition	**10,469**

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:

2. Regulatory (Time) Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3. Pre-Commencement (Construction) Condition: No construction works in respect of the buildings hereby approved shall commence unless and until remediation measures detailed within the approved Remediation Strategy and Verification Plan (TRC Companies Limited, ref: 440032.0002.0000, version: 2.0, dated: 06.09.2023) have been completed in full.

Reason: To ensure that any pre-existing contamination is appropriately addressed by the approved development, and that the approved development does not result in the release and/or transmission of contaminants of risk to human health, controlled waters or the wider environment in accordance with Policy 24 of the Horsham District Planning Framework (2015)

4. Pre-Occupation Condition: The development hereby permitted shall not be occupied or brought into use until a verification report has been submitted to and approved by the Local Planning Authority following the completion of remediation works. The verification report to be submitted to the Authority shall contain, but not be limited to, the information recommended to be included at Section 6.3 of the approved Remediation Strategy and Verification Plan (TRC Companies Limited, ref: 440032.0002.0000, version: 2.0, dated: 06.09.2023).

Reason: To ensure that all necessary remediation actions have been satisfactorily completed, that any pre-existing contamination is appropriately addressed by the approved development, and that the approved development does not result in the release and/or transmission of contaminants of risk to human health, controlled waters or the wider environment in accordance with Policy 24 of the Horsham District Planning Framework (2015)

5. Pre-Occupation Condition: The development hereby approved shall not be occupied or brought into use unless and until standards of water-efficiency specified within Appendix C to the approved Water Neutrality Strategy (Cudd Bentley Consulting, ref: 65150-CBC-SK-RP-S-001 Rev 005, submitted 14.03.2024) have been achieved through the installation of appropriate appliances/fittings, and a rainwater harvesting system provided to service all W/C installations installed within the approved development. The rainwater harvesting system shall accord with that detailed at Appendix D to the approved Water Neutrality Strategy. Any replacement water-consuming appliances, fixtures or fittings must be of an equivalent and/or superior standard of water-efficiency to those detailed within the

approved Water Neutrality Strategy. Any replacement W/C installations must continue to be serviced solely by harvested rainwater, unless explicitly agreed by the Local Planning Authority in writing.

Reason: To ensure that the approved development achieves 'water neutrality', therefore, avoiding contribution to the adverse effect upon the integrity of the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites associated with increased demand for mains-water resources, in accordance with the requirements of the Conservation of Habitats and Species Regulations (2017) (as amended) at Regulation 63 and Policy 31 of the Horsham District Planning Framework (2015)

6. Pre-Occupation Condition: Prior to the approved development being brought into use, 4.5m acoustic fencing shall be installed in the locations detailed on plan ref: 4690-PL-003 Rev A, submitted: 18.01.2024. Acoustic fencing shall be solid in composition and, thereafter, be retained/maintained to the same height, position and composition as that approved.

Reason: To lessen the acoustic impact of operations at the site in the interests of neighbouring amenity in accordance with Policy 24 of the Horsham District Planning Framework (2015).

7. Pre-Occupation Condition: Prior to the first occupation of the units hereby approved, the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds through full fibre broadband connection shall be provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015) and SNP21 of the Southwater Neighbourhood Plan (2021).

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8. 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).

9. Pre-Occupation Condition: Prior to occupation of any unit hereby permitted the car parking spaces, turning and access facilities necessary to serve that unit shall be implemented and made available for use in accordance with the approved plans and shall be thereafter retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015) and SNP4 and SNP13 of the Southwater Neighbourhood Plan (2021).

10. Pre-Occupation Condition: Prior to the first occupation of any unit hereby approved, electric-vehicle charging infrastructure shall be installed in accordance with details indicated on the approved Car Park Management Plan (ref: 4690-PL-004 Rev A, Submitted: 18.01.2024). Electric vehicle charging infrastructure shall, thereafter, be maintained as approved.

Reason: To ensure that adequate provision is made for the users of electric vehicles and to promote the use of electric vehicles in the interests of climate change, improved air-quality and in accordance with Policies 24 and 41 of the Horsham District Planning Framework (2015).

11. Pre-Occupation Condition: Prior to the first occupation of any unit hereby permitted, covered cycle-parking facilities of the capacity indicated shall be provided and made available for use in accordance with the approved layout plan (ref: 4690-PL-002 Rev A, submitted 18.01.2024). The cycle parking facilities shall, thereafter, be retained as approved solely for the parking of cycles.

Reason: To ensure that adequate provision is made for cyclists and to promote modes of active travel in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015).

12. Pre-Occupation Condition: Prior to the first occupation of the development hereby approved the biodiversity enhancement measures detailed in the approved Biodiversity Enhancement Strategy (Ecology Solutions, ref: 11685.EcoAS.vf, submitted: 03.10.2023) shall be implemented in full and thereafter retained as approved.

Reason: To ensure that the proposed development incorporates proportionate ecological enhancements in accordance with Policy 31 of the Horsham District Planning Framework (2015).

13. 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).

14. Pre-Occupation Condition: Prior to the first occupation of the development hereby approved, surface-water drainage infrastructure necessary to service the approved development as detailed within the approved Flood Risk Assessment and Drainage Strategy (I&L Consulting Ltd, ref: 23-017-CHA Rev P1, submitted 05.02.2024) shall be installed and made available for use. The approved drainage infrastructure shall, thereafter, be maintained in accordance with the approved Maintenance and Management Strategy included at Section 5.4.1 of the approved Flood Risk Assessment and Drainage Strategy (I&L Consulting Ltd, ref: 23-017-CHA Rev P1).

Reason: To ensure that the approved development is adequately drained and does not increased flood-risk elsewhere in accordance with Policy 38 of the Horsham District Planning Framework (2015) and Paragraph 173 of the National Planning Policy Framework (2023).

15. Pre-Occupation Condition: The development hereby permitted shall be implemented in accordance with the approved Framework Travel Plan (Mode Transport Planning, ref: J327526, version 2.2, submitted: 18.01.2024). In accordance with the recommendations of the Framework Travel Plan, within 6 months of the first occupation of each unit a completed travel-plan statement confirming baseline modal share information and measures to achieve modal-share targets at Table 5.1 of the approved Framework Travel Plan shall be submitted to the Authority. Relevant measures shall, thereafter, be implemented as approved and subject to annual review until a period of 5-years following the first occupancy of each unit. If annual reviews demonstrate that modal-share targets are not being met, an updated travel-plan statement shall be submitted to the Authority outlining remedial actions to achieve approved modal-share targets, which shall then be implemented as approved by the Authority.

Reason: To promote a modal-shift away from reliance on the private car, to mitigate against the effects of climate change and to improve air-quality in accordance with the provisions of HDPF Policies 24, 35 and 40.

16. Pre-Occupation Condition: The approved development shall not be operated other than in accordance with the measures and initiatives set out in Chapters 5 and 6 within the Delivery, Collection and Service Management Plan (Mode Transport Planning, ref: J327526 V1.4, received 18.01.2024).

Reason: To lessen the effects of development upon nearby occupiers in accordance with Policies 24, 33 and 40 of the Horsham District Planning Framework (2015).

17. Regulatory Condition: No externally located plant, machinery equipment or building services plant located on the facades or roofs of the approved buildings with line of sight to residential properties shall be operated until an assessment of the acoustic impact arising from the operation of all such equipment has been undertaken and has been submitted to and approved in writing by the Local

Planning Authority. The assessment shall be undertaken in accordance with BS 4142:2014 and shall include a scheme of attenuation measures to mitigate any adverse impacts identified in the acoustic assessment and ensure the rating level of noise emitted from the proposed building services plant is no greater than background levels nearest to the noise sensitive receptor. The scheme as approved by the Local Planning Authority shall be fully installed prior to first operation of the plant and shall be retained as such thereafter.

Reason: To lessen the emission of noise pollution and to safeguard the living conditions of nearby occupiers in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

18. Regulatory Condition: No works associated with the implementation 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 nearby occupiers from noise and/or lighting disturbance associated with construction or demolition operations in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

19. Regulatory Condition: All works shall be executed in full accordance with the submitted Arboricultural Implications Report, including the Outline Arboricultural Method Statement and Tree Protection Plan respectively included as Appendices 1 and 3 (ref: SJA air 23318-01a, dated August 2023, SJA Trees Arboricultural Planning Consultants). Other than those trees identified for removal or reduction, no trees shall be uprooted, felled/removed, topped and/or lopped without the express consent of the Local Planning Authority in writing within a period of 5-years following the completion of the approved development.

Reason: To ensure the successful and satisfactory protection of trees within and adjacent to the site in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Paragraph 136 of the National Planning Policy Framework (2023).

20. Regulatory Condition: The development hereby approved shall be implemented in full accordance with the approved Ecological Assessment (Ecology Solutions, ref: 11685.EcoAS.vf1, submitted: 03.10.2024), including the mitigation and avoidance measures set out within.

Reason: To ensure the proposed development does not adversely impact upon protected and priority species and habitats in accordance with Policies 25 and 31 of the Horsham District Planning Framework (2015).

21. Regulatory Condition: Other than in association with the original construction or subsequent repair of the development hereby approved, no construction, fabrication, repair, servicing or maintenance activity shall take place other than within the buildings hereby permitted on the site.

Reason: To safeguard nearby occupiers from noise and/or lighting disturbance associated with unregulated external activity in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

22. Regulatory (Hours of Despatch) Condition: Notwithstanding the submitted Noise Impact Assessment (TRC Companies Ltd, ref: 554969.0000.0000 V1.0, received 03.10.2023) and Delivery, Collection and Service Management Plan (Mode Transport Planning, ref: J327526 V1.4, received 18.01.2024) no deliveries shall be despatched from and/or received within the site except between the hours of 07:00hrs-22.00hrs of the same day Monday - Friday, 07:00hrs - 18:00hrs on Saturdays, and at no time on Sundays, Bank Holidays or Public Holidays.

Reason: To safeguard occupiers close to the Business Park access from significant acoustic disturbance during night-time hours in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

23. Regulatory Condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or the Town and Country Planning (Use Classes) Order

1987 (as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) (or any order amending or revoking and/or re-enacting these Orders), the premises hereby permitted shall only be used for uses falling within Classes E(g)(iii), B2 or B8 use only and for no other purposes whatsoever, without express planning consent from the Local Planning Authority first being obtained.

Reason: The site not within an area where permission for shopping purposes or town centre uses would normally be granted and to ensure the development remains in appropriate employment use and due to unknown and potentially harmful impacts on local amenity under Policies SNP1 and SNP21 of the Southwater Neighbourhood Plan (2021) and Policies 7, 9 and 33 of the Horsham District Planning Framework (2015) and to ensure the development is water neutral to avoid an adverse impact on the Arun Valley SAC/SPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), its duties under the Conservation of Habitats and Species Regulations

24. Regulatory Condition: If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved by the Local Planning Authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To ensure that any unsuspected contamination is appropriately remediated and that the proposed development does not result in the release or transmission of contaminants of risk to human health, controlled waters or the wider environment in accordance with Policy 24 of the Horsham District Planning Framework (2015).

25. Regulatory Condition: The materials and colours to be used in the external construction of the buildings hereby permitted shall accord with those indicated on the approved Schedule of External Materials document (RHA on behalf of Chancerygate, submitted 03.10.2024) and approved elevation plans (refs: 4690-PL-120 Rev A, 4690-PL-420 Rev A and 4690-PL-720 Rev A), unless the Local Planning Authority consents to any variation in writing in advance of the commencement of relevant works.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

26. Regulatory Condition The approved private rainwater harvesting and treatment system shall be operated and maintained at all times strictly in accordance with the approved Private Water Supply Management Plan (Cudd Bentley Consulting, ref: 6515-CBC-GC-RP-S-002 Rev 002, submitted 03.10.2024), unless the Local Planning Authority consents to any variation in writing.

Reason: To ensure that collected rainwater is appropriately treated, managed and available for use and that the approved development achieves 'water neutrality', therefore, avoiding contribution to the adverse effect upon the integrity of the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites associated with increased demand for mains-water resources, in accordance with the requirements of the Conservation of Habitats and Species Regulations (2017) (as amended) at Regulation 63 and Policy 31 of the Horsham District Planning Framework (2015).

27. Regulatory Condition: The development hereby permitted shall be implemented in accordance with the approved planting layouts (refs: 896.29.03 Rev A and 896.19.03 Rev A). Approved planting shall be implemented within the first planting season following the first occupation of any part of the development. Any existing trees or hedges shown for retention shall not be felled, removed, topped or lopped without the express written consent of the Local Planning Authority until a period of 5-years following the completion of the approved development. Any approved or retained planting, which within a period of 5-years following the completion of approved development, dies, is removed or becomes seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority consents to any variation in writing. Soft landscaping and approved ecological enhancement measures shall, thereafter, be maintained in accordance with the approved Landscape and Ecological Management Plan (Ecology Solutions, ref: 11685.LEMP.vf, submitted: 03.10.2023).

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).

28. Regulatory Condition: All hard surfacing and fencing to be laid in conjunction with the approved development shall accord with the materials specified on the approved external finishes and slab joints plan (ref: 23-017-I&L) and Schedule of External Materials document (RHA Architects, submitted: 03.10.2023).

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).

29. Regulatory Condition: The development hereby approved shall be implemented in accordance with the approved External Lighting Impact Assessment (Cudd Bentley Consulting, ref: 6515-CBC-HF-RP-E-001 Rev P04, submitted 18.01.2024) inclusive of the ecological mitigation measures outlined at section 7, the detailed lighting design plan incorporated at Appendix 10.1 and luminaire specifications at Appendix 10.2. Installed lighting shall, thereafter, be maintained as approved, unless the Local Planning Authority consents to any variation in writing. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Act or Order amending, re-enacting or replacing that Order, no additional external lighting shall be installed other than that approved within the detailed lighting design plan.

Reason: To ensure the approved development maintains the suitability of the site, and its respective surroundings, for bat foraging and commuting in accordance with Policies 25 and 31 of the Horsham District Planning Framework (2015).

30. Regulatory Condition: The development hereby approved shall be implemented in strict accordance with the approved Construction Management Plan (Chancerygate, Rev V3, submitted: 03.10.2023), inclusive of the Construction Environment Management Plan incorporated as Appendix 2.

Reason: To lessen disturbance to occupiers of nearby land and property during construction and demolition operations and to ensure that construction/demolition operations are undertaken in a manner which respects the ecological interests of the site and its surroundings in accordance with Policies 24, 25, 31 and 33 of the Horsham District Planning Framework (2015).

31. Regulatory Condition: No part of the buildings hereby approved or wider site shall be designated, equipped or used as a vehicle washing area without the prior written consent of the Local Planning Authority.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SAC/SPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

32. Regulatory Condition: Following the first occupation of each building within the development hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Act or Order amending, re-enacting or replacing that Order, no mezzanine or additional floor levels other than those hereby approved shall be constructed within any building without express planning consent from the Local Planning Authority first being obtained.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SAC/SPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

33. Regulatory Condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or replacing and/or re-enacting that Order), the premises hereby permitted shall not include trade counters or showroom/retail uses without express planning consent from the Local Planning Authority first being obtained.

Reason: The site is not within an area where permission for shopping purposes or town centre uses would normally be granted and to ensure the development remains in appropriate employment use in accordance with Policies 7 & 9 of the Horsham District Planning Framework (2015) and SNP21 AND SNP1 of the Southwater Neighbourhood Plan (2021).

34. Regulatory Condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or replacing and/or re-enacting that Order), including the provisions of the Order at Class H, Part 7 of Schedule 2, no buildings, additions, and/or extensions shall be erected or placed within the site without express planning permission from the Local Planning Authority first being obtained.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SAC/SPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

35. Regulatory Condition: The development hereby approved shall be implemented in accordance measures specified within the approved Energy and Sustainability Statement (Cudd Bentley Consulting, ref: 6515-CBC-HR-RP-S-005-PO3 Rev 003, submitted 03.10.2023 and BREEAM Pre-Assessment Report (Cudd Bentley Consulting, ref: 6515-CBC-MN-RP-S-005 rev 005, submitted 25.04.2024).

Reason: To ensure that the proposed development lessens any contribution to climate change by way of resource use and incorporates sustainable design principles in accordance with Policy 35 of the Horsham District Planning Framework (2015).

36. Regulatory Condition: No external storage of waste or materials shall take place within the site, except as agreed pursuant to Condition 8, unless first agreed by the Local Planning Authority in writing.

Reason: In the interests of visual amenity and to preserve the character and appearance of the site in accordance with Policies 32 and 33 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/23/1843

(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
Details plan	Constraints Plan	46845 - T0	13.12.2023
Details plan	Levels and External Works	23-018-I_L G01 T2	18.01.2024

Details plan	Topographical Survey	46845- T0	13.12.2023
Elevation plan	Units 1-7 street scene	4690-PL-220 REV A	18.01.2024
Supporting Statement	Desk Based Geoenvironmental and Geotechnical Site Assessment Report	440032.0000.0000 1.0	03.10.2023
Supporting Statement	Desk study part 2	440032 Figure 01	03.10.2023
Supporting Statement	Desk study part 3	440032 Figure 02	03.10.2023
Supporting Statement	Desk study part 4 - Annex B, Envirocheck Report	440032 - ANNEX B	03.10.2023
Supporting Statement	Desk study part 5 - Historic and land-use mapping	440032	03.10.2023
Supporting Statement	Desk Study Part 6 - Watercourse and geological mapping	440032	03.10.2023
Supporting Statement	Desk study part 7	440032	03.10.2023
Supporting Statement	Desk study part 8 - Aerial and site photography	440032	03.10.2023
Floor plan	Existing	4690-PL-052	03.10.2023
Details plan	Estate sign	4690-PL-005	03.10.2023
Site plan	Existing	4690-PL-050	03.10.2023
Floor plan	Existing	4690-PL-051	03.10.2023
Elevation plan	Existing	4690-PL-053	03.10.2023
Location plan		4690-PL-001	03.10.2023
Block plan		4690-PL-002 REV A	18.01.2024
Site plan		4690-PL-003 REV A	18.01.2024
Layout plan	Car Park Management Plan	4690-PL-004 REV A	18.01.2024
Supporting Statement	Biodiversity Net Gain Report	NONE	03.10.2023
Supporting Statement	BREEAM PRE-ASSESSMENT REPORT	6515-CBC-MN-RP-S-005-P01 005	25.04.2024
Supporting Statement	Car Parking Management Plan	J327527 V 1.4	18.01.2024
Supporting Statement	Construction Management Plan	NONE	03.10.2023
Supporting Statement	Cover letter	NONE	03.10.2023
Supporting Statement	Delivery, Collection and Service Management Plan	NONE	03.10.2023
Design & Access Statement		NONE	03.10.2023
Supporting Docs		NONE	03.10.2023
Supporting Statement	Air Quality Assessment	NONE	03.10.2023
Supporting Statement	Arboricultural Implications Report	NONE	03.10.2023
Supporting Statement	Biodiversity Enhancement Strategy	NONE	03.10.2023
Layout plan	Planting Layout - West	896.19.03 REV A	18.01.2024

Layout plan	Planting Layout - East	896.29.03 REV A	18.01.2024
Supporting Statement	Private Water Supply Management Plan	NONE	03.10.2023
Supporting Statement	Remediation Strategy and Verification Plan	NONE	03.10.2023
Supporting Statement	Schedule of Gross External Areas	NONE	03.10.2023
Floor plan	Unit 7	4690-PL-701 REV A	18.01.2024
Section plan	Unit 7	4690-PL-730 REV A	18.01.2024
Roof plan	Unit 7	4690-PL-702 REV A	18.01.2024
Elevation plan	Unit 7	4690-PL-720 REV A	18.01.2024
Floor plan	Unit 7	4690-PL-700 REV A	18.01.2024
Roof plan	Unit 1-3	4690-PL-102 REV A	18.01.2024
Elevation plan	Unit 1-3	4690-PL-120 REV A	18.01.2024
Section plan	Unit 1-3	4690-PL-130 REV A	03.10.2023
Floor plan	Unit 1-3	4690-PL-100 REV A	18.01.2024
Floor plan	Unit 1-3	4690-PL-101 REV A	18.01.2024
Floor plan	Unit 4-6	4690-PL-401 REV A	18.01.2024
Roof plan	Unit 4-6	4690-PL-402 REV A	18.01.2024
Elevation plan	Unit 4-6	4690-PL-420 REV A	18.01.2024
Section plan	Unit 4-6	4690-PL-430 REV A	18.01.2024
Floor plan	Unit 4-6	4690-PL-400 REV A	18.01.2024
Supporting Statement	Schedule of external materials	NONE	03.10.2023
Supporting Statement	Transport Assessment	J327526 V2.2	18.01.2024
Details plan		6515-CBC-00-XX-DR-U-96002 REV P02	03.10.2023
Supporting Statement	Water Neutrality Statement	6515-CBC-Sk-RP-S001, Rev 005	14.03.2024
Supporting Statement	Ecological Assessment	11685.EcoAs.vf1	03.10.2023
Supporting Statement	Electric Vehicle Charging Technical Note	NONE	03.10.2023

Supporting Statement	Energy and Sustainability Statement	6515-CBC-HR-RP-S-005-P03, Rev 003	03.10.2023
Supporting Statement	External impact lighting assessment	6515-CBC-HF-RP-E-001 P05	18.01.2024
Supporting Statement	Flood Risk Assessment and Drainage Strategy	23-017-CHA REV P1	05.02.2024
Supporting Statement	Framework Travel Plan	J327526 V.2.2	18.01.2024
Supporting Statement	Landscape and Ecological Management Plan	11685.LEMP.vf	03.10.2023
Supporting Statement	Lighting Design Strategy for Biodiversity	11685 vf1	03.10.2023
Supporting Statement	Noise Impact Assessment	554969.0000.0000 rev 1.0	03.10.2023
Supporting Statement	Preliminary Phase II Geo-environmental and Geotechnical Site Assessment	440042.0000.0000	03.10.2023
Supporting Statement	Planning Statement	NONE	03.10.2023
Supporting Statement	Air Quality Damage Cost and Emissions Plan	554969.0000.0001.02.r1	04.04.2024

DELEGATED

Case Officer sign/initial Giles Holbrook Date: 12/07/2024

Authorising Officer sign/initial Adrian Smith Date: 12/07/2024