DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DISC/25/0164
Southwater Business Park, Sony Dadc Uk Limited , Worthing Road, Southwater, West Sussex, RH13 9YT

DESCRIPTION:
Approval of Details Reserved by Condition 8 to approved application DC/23/1843

RELEVANT PLANNING HISTORY:

DC/23/1843	Demolition of existing warehouse buildings. Erection of new single-storey buildings to provide employment units for a flexible range of employment uses (Use Classes E(g)(iii), B2 and/or B8) with ancillary offices, together with associated access road, hard and soft landscaping, cycle parking, car parking, EV charging, service yard, loading bays, site infrastructure and associated works.	Application Permitted on 12.07.2024
DISC/25/0071	Approval of details reserved by conditions 8 and 13 to approved application DC/23/1843.	Split Decision on 28.04.2025

PLANNING ASSESSMENT

Planning application ref: DC/23/1843 granted consent on 12.07.2024 for the demolition of former commercial buildings and the provision of replacement employment facilities.

Planning permission was granted subject to conditions, with consent now sought to discharge details reserved by Condition 8.

Condition 8

Condition 8 states:-

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

In response to the above condition the applicant has provided plans for each of the proposed units denoting the provision of refuse and recycling facilities internally within the proposed buildings. This manner of provision would preserve the visual amenity of the site (and its respective surroundings) and is not considered to conflict with the provision of car-parking, vehicle movements or living conditions of nearby occupiers.
Details submitted previously in relation to Condition 8 were refused pursuant to ref: DISC/25/0071, though, solely as a consequence of the uncommitted nature of proposed provision at that time which were denoted only on an indicative basis. No such caveat is included in this instance, accordingly, it is

considered that the proposals satisfy the requirements of Condition 8 – which can be discharged accordingly.

Habitat Effects and *Fry* [2023]

The development approved pursuant to ref: DC/23/1843 was approved subsequent to the completion of an 'appropriate assessment' pursuant to Regulation 63 of the Habitats Regulations establishing the absence of adverse effect upon the integrity of European sites, including the Arun Valley SAC, SPA and Ramsar and The Mens and Ebernoe Common SAC.

Where an assessment was conducted in advance of an initial grant of planning permission it is not considered that the judgement of the High Court pursuant to *CG Fry & Son Limited v Secretary of State for Levelling Up Housing and Communities and Somerset Council* [2023] EWHC 1622 (Admin) would prohibit an approval of details reserved by condition in this instance.

Recommendation: Application Permitted

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

Plans list for: DISC/25/0164
(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
Floor plan	UNIT 7 GROUND FLOOR PLAN	4690-PL-700	19.05.2025
Floor plan	UNITS 4-6 GROUND FLOOR PLAN	4690-PL-400	19.05.2025
Floor plan	UNITS 1-3 GROUND FLOOR PLAN	4690-PL-100	19.05.2025
Site plan	SITE PLAN - CONDITION & REFUSE/RECYCLING	4690-PL-010	19.05.2025
Supporting Docs	REFUSE STRATEGY		19.05.2025

DELEGATED

Case Officer sign/initial Giles Holbrook Date: 07.07.2025

Authorising Officer sign/initial Adrian Smith Date: 08/07/2025