



**TO:** Planning Committee North

**BY:** Head of Development and Building Control

**DATE:** 4<sup>th</sup> April 2023

**DEVELOPMENT:** 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

**SITE:** Sony DADC UK Limited Southwater Business Park Worthing Road Southwater Horsham West Sussex RH13 9YT

**WARD:** Southwater South and Shipley

**APPLICATION:** DC/22/0302

**APPLICANT:** **Name:** Frontier Estates Limited **Address:** 25 Oldbury Place, London, W1U 5PN

**REASON FOR INCLUSION ON THE AGENDA:** By request of Southwater Parish Council

**RECOMMENDATION:** To approve planning permission subject to appropriate conditions.

**1. THE PURPOSE OF THIS REPORT**

To consider the planning application.

**DESCRIPTION OF THE APPLICATION**

- 1.2 Full planning permission is sought for the 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 at Sony DADC UK Limited Southwater Business Park Worthing Road, Southwater. In relation to Class E, the application is for light industrial floorspace under Class E(g)(iii).
- 1.3 The application is accompanied by a suite of plan drawings and technical reports, including a Transport Assessment, Noise Impact Statement, and Delivery and Servicing and Parking Management Plan. Also submitted is a Water Neutrality Statement (Issue 05 by BWB Date: 09/11/2022).
- 1.4 Sony DADC UK ceased operations on the site in June 2018, having occupied the site since 1985, due to the decline of CD/DVD sales. The site has remained vacant since that time.

- 1.5 The redevelopment scheme would comprise seven units in a mix of sizes. The proposed floorspaces range between 656 square metres and 3,723 square metres (GIA). Each of the warehouses are predominately arranged over ground floor level with ancillary office accommodation provided at the first floor. Taken together, the units extend to a total of 8,707 square metres of floorspace (GIA).
- 1.6 The layout and configuration of the proposed buildings is a terrace positioned parallel to the north east boundary with service yards positioned to the south. The buildings will have shallow pitch roofs behind parapets. The buildings will be clad using both vertical and horizontal systems with a neutral colour palette of materials and finishes.
- 1.7 The service yards and parking spaces are designed to meet operational requirements of future use occupiers so that the site can operate safely and efficiently. A total of 119 car parking bays will be provided, 20% of which will include active charging points for electric vehicles, along with HGV spaces (including loading and servicing bays) and separate cycle parking spaces. Access to the site will utilise the existing entrance at the north end of the site, via an internal estate road linking onto Worthing Road and the adopted highway network.
- 1.8 The submission to the Council proposes that the buildings will operate unfettered 24 hours a day seven days a week, and this is considered in detail within this report. The proposal is speculative; no end users are made evident in the submission.
- 1.9 A landscaping scheme includes biodiversity and sustainable drainage measures, as well screening. The proposal includes a range of sustainability measures to reduce carbon dioxide emissions and energy and water efficiencies. The buildings are targeted to achieve a BREEAM rating of 'Very Good'.

#### DESCRIPTION OF THE SITE

- 1.10 The application site, which is 1.86 hectares in area, is located within the defined Built-Up Area Boundary of the village of Southwater. The site is part of Southwater Business Park, an established business park comprising several large business units. This includes a research and development facility, currently occupied by Bowers & Wilkins. There is an area of hardstanding northeast of the application site.
- 1.11 Southwater is classified as a Small Town/Larger Village in Policy 3 of the Horsham District Planning Framework (HDPF) which means it is a *'settlement with a good range of services and facilities, strong community networks and local employment provision'* Southwater Business Park is allocated as a 'Parish Employment Area' by Policy 21 in the Southwater Neighbourhood Plan 2019 – 2031. It is designated an 'Existing Employment Site' by Policy 9 of the HDPF.
- 1.12 On the site itself, there are three manufacturing and storage buildings (Planning Use Classes B1c (now Eg(iii)) and B8) which total 10,469 square metres of floorspace. The main building is located at the southeast of the site that accommodates a reception area, offices and packing rooms. To the west is a warehouse unit and covered bay area and detached building (store for production materials). All are situated within a self-contained yard, accessed via a security gate house. An area of car parking accommodates 118 spaces, located east and south of the main building.
- 1.13 The site is bound to the south by a tree belt directly beyond which lies the Southwater Country Park complex. Public Bridleway 3657 (National Trail Downs Link and a Parish Heritage Asset (Policy SNP19)) runs north-west to south-east bordering the site to the north-east by a mature tree belt, beyond which lies a residential area predominately north of Station Road. The site adjoins Ancient Woodland to the east and Local Wildlife Site, which is part sited in

Southwater Country Park. The site falls within The Mens SAC bat substance zone (HDPF Policy 31).

- 1.14 The site falls within Flood Zone 1 according to the Environment Agency's Flood Map, which represents the lowest restrict of flooding. The site falls within an Archaeological Notification Area. The closest designated heritage asset is The Cock Inn, Worthing Road, a Grade II Listed Building.
- 1.15 A number of bus stops are within 500 metres of the site, offering services to Horsham, Crawley and Worthing. The nearest train station is Christ's Hospital, some 3 km northwest of the site. Southwater Business Park is connected to the A24, which provides vehicular access to Gatwick Airport, south coast ports, and the motorway network.

## **2. INTRODUCTION**

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

The following Policies are considered to be relevant to the assessment of this application:

#### **National Planning Policy Framework**

##### **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

##### **West Sussex Joint Minerals Local Plan (2018)**

Policy M9 - Safeguarding Minerals

### RELEVANT NEIGHBOURHOOD PLAN

#### **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

**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

**PLANNING HISTORY AND RELEVANT APPLICATIONS**

The first factory unit on record was approved on the site in 1978 (Ref: HR/132/78), and subsequently new industrial buildings and various extensions to this have been approved. These include an industrial building with ancillary offices and new access (HR/124/85) permitted 08-07-1985 and, to serve Sony's needs, a two storey extension to existing main building, relocated air handling units, reconstructed chemical stores, upgrading of street boundary treatment and reconfiguration of staff parking (DC/09/2124) permitted 18-02-2010).

From the planning history, the use of the subject buildings has been within Classes B1(c) 'Light Industrial' and B8 'Storage & Distribution'. The hours of operation and deliveries associated with the subject buildings are unfettered.

**3. OUTCOME OF CONSULTATIONS**

- 3.1 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](http://www.horsham.gov.uk)

**INTERNAL CONSULTATIONS**

- 3.2 **HDC Landscape Architect:** No Objection  
If minded for approval, advise that implementation of details above should also be concurrent with the following conditions: Prior to commencement: soft landscaping, hard landscape, arboricultural method, landscape management plan.
- 3.3 **HDC Conservation:** No Objection  
Not considered to result in harm to setting of Grade II Listed Cock Inn (which now trades as 'Topsy Fox' )
- 3.4 **HDC Environmental Health:** Advice and formally object to unrestricted 24 hour use

Construction Phase

During site clearance, preparation and construction there is the potential for local residents to experience adverse impacts from noise, dust and construction traffic movements. These should be minimised and controlled by the developer and a construction environmental management (CEMP) plan is recommended as a condition.

Water Neutrality

Reviewed the BWB Water Neutrality Statement, dated 9 November 2022.

1. The fact that a report of this nature has been produced is welcomed, note however that a rainwater harvesting scheme is being proposed to supply non-potable water for the development.

2. Rainwater harvesting schemes can be highly contaminated. However, from reviewing the supporting information, and taking into account the proposed commercial use of the private water supply, of the view that that the risk assessing, testing and maintenance of the supply for the lifetime of the development can be secured through conditions.

#### Air Quality (Final comments)

Request mitigation plan detailing measures to mitigate and/or offset impacts and sets out itemised costing for each proposed measure, with total estimated value of measures being equal to total damage costs.

Request applicant avoids duplication of measures required through other regimes. The Sussex air quality and planning guidance intended to encourage mitigation measures specifically targeted at preventing and/or mitigating air pollution and going beyond and above what is otherwise a legal requirement. As the Approved Document S is now in force, would accept provision of ev charging as an air quality measure on proviso that the provision goes above what is already required by the Approved Document.

Also recommend provision of ev charging points to support EV Charging Network and Delivery Plans for local area, and may be opportunity to contribute to funding of publicly-available charging points at Lintot Square in Southwater, which would encourage staff and visitor's use of ev vehicles.

(initial comments)

Air quality assessment not submitted. Damage cost calculation also required. Applicants required to submit a mitigation plan.

#### Noise (Final comments)

The number of loading bays was an oversight by the applicants acoustic consultant. In our view it is however unlikely to have a significant impact on overall noise levels.

Would like to see a 4.5m screen located between the buildings, as proposed as the western end of the site, present between the buildings. To clarify, in our view these acoustic screens should still be installed even if 24/7 use is not permitted.

Note the calculations and comments in the report in relation to the maximum number of vehicles on the site to protect residential amenity. To safeguard the amenity of residential receptors located in close proximity to the main access road to the development we are of view that no more than 16 vehicle movements should take place during the night time period (2300 to 0700).

If the LPA are minded to approve 24 hour use at this location we are of the view therefore that this needs to be tightly controlled by way of a condition and recommend a condition controlling vehicle movements to one two-way movement in every hour during the night time period (2300 to 0700).

Environmental Health understands that this degree of control is unlikely to be enforceable as planning conditions. **In the absence of this degree of control, we would therefore formally object to unrestricted 24 hour use.**

If the LPA are minded to approve this application therefore recommend conditions to limit outside work; deliveries and dispatches to between 07:00hrs– 20.00hrs Monday – Friday, 07:00 – 18:00hrs Saturdays, and not at all on Sundays, Bank Holidays or Public Holidays; require a noise management plan; and an acoustic assessment of any plant and machinery.

(Initial comments)

Reviewed Sharp Acoustics Assessment of noise impact dated February 2022.

Includes monitoring results from unattended noise survey between 13<sup>th</sup> and 15<sup>th</sup> October 2021. Result confirm background noise levels are consistently below 30dB late at night and during the early hours of the morning.

Plans show proposed development using same service road as existing development with residential properties, with associated first floor bedrooms, located on north side of the access road near to its junction with Worthing Road. Given this and the low background noise levels, as discussed above, we are of the view that there is the potential for significant disturbance from operation at night. Appreciate the previous/existing development had permission to operate 24/7, however previous operators did not undertake external night-time operations due to the close proximity of residential dwellings, both to this site and to the access road.

Nature and character of noise events will be distinguishable in a manner not fully characterised by decibel measurements. The pattern of operations modelled in the report may also not fully reflect the actual pattern of night-time activities at site. If frequency of servicing were to increase from that predicted then the impacts would also increase. In our view the distribution of these noise events is also important, experience of other sites with extended hours has shown that activity does not occur at regular intervals but tends to intensify in early morning as drivers seek to avoid congestion or commence long distance journeys and at night when vehicles arrive from distant locations.

Given the very low background noise levels currently prevailing at site at night, as detailed above, operational noise from the development at night is likely to be perceived as series of distinct discrete events. The impact of night noise events will therefore be best represented by the magnitude of night-time noise events above the prevailing background noise. There is however no commentary on the LA<sub>max</sub> levels in the report.

Consequently, it is important to limit the number of noise events with a LA<sub>max</sub> exceeding 45 dB. Adopting the criteria for peak noise events 45dB(LA max) may not be sufficiently protective where background noise levels are very low.

In summary – although there are no objections to the principle to the development, the proposal for unrestricted hours of operation at the site is a concern given the proximity of the residential dwellings to the application site and adjoining access roads. Noise generated from vehicles, plant and equipment may all be potential sources of disturbance at night.

If the application is approved it is recommended that restrictions on vehicle movements, loading, unloading and other external activities are applied to ensure appropriate respite and to protect the amenity of the adjoining residential occupiers at night.

Contamination (Final comments)

Reviewed the Mewies Engineering Consultants Ltd Phase II Ground Investigation Report, dated December 2021.

1. Very high levels of methane were detected in WS106 which consider unusual given the source of the methane is likely to be the historic infilled/made ground and given that the levels in WS201 and WS202, which are located reasonably close to WS106, are in the region of <0.1%v/v to 16.2%v/v.

2. The borehole log for WS106 has not been supplied as part of the report. Appreciate it was installed as part of a previous investigation, and from checking our records we have

been unable to find a copy of this report, do however consider it crucial that the log for this location, and any associated historic ground gas monitoring, are provided.

3. Given the above further assessment of the risks from ground gases/vapours is required.

4. In addition to the above note that strong solvent odours were noted within soils recovered from 0.50m and 1.00m mbgl in WS201, along with associated elevated VOC readings.

5. Given the data gaps agree with the conclusions in the report that further investigations will be required following demolition to fully delineate the extents of any risks. In a particular, as detailed in the report, under areas currently covered by buildings and in the vicinity of underground fuel storage tanks.

6. However now happy to request this further assessment through conditions and therefore recommend the below. Welcome dialogue with the applicants environmental consultants before the additional works are undertaken so that we can ensure it meets our requirements.

3.5 **HDC Economic Development:** No Objection

Welcome more modern and higher-quality commercial floorspace in Southwater but have some concern regarding the overall loss of commercial floorspace.

3.6 **HDC Drainage Engineer:** No Objection

Satisfied with the additional evidence provided. If this development is permitted would recommend suitable drainage conditions.

OUTSIDE AGENCIES

3.7 **WSCC Highways:** No Objection

The LHA does not consider the proposal would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 111), and that there are no transport grounds to resist the proposal.

3.8 **WSCC Public Right of Way:** No Objection

Application does not impact upon, or propose any alteration, to the Public Right of Way.

3.9 **Archaeology Consultant:** No Objection

No archaeological recommendations to make.

3.10 **Ecology Consultant:** No Objection.

Recommended conditions

3.11 **Southern Water:** No Objection

Southern Water can facilitate water supply and foul sewer disposal to service the proposed development. Southern Water requires a formal application for a connection to the water supply/public foul sewer to be made by the applicant or developer.

3.12 **WSCC Flood Risk Management:** No Objection

3.13 **Natural England:** No Objection

No Objection subject to appropriate mitigation being secured.

3.14 **Sussex Police:** No Objection

No major concerns with this proposal. Direct applicant to Secured by Design.

PUBLIC CONSULTATIONS

3.15 **Southwater Parish Council:** Objection



Reasons:-

1. Existing site vs proposed development comparison:-

1. Travel demand and type of vehicle servicing the development has a greater impact on Southwater and vastly different to what exists.
2. Access to site is through Southwater.
3. Existing site was a manufacturing facility.
4. Proposed development is logistics centre/hub.
5. Existing site closed since June 2018.
6. Based on current situation and making comparisons between the two, travel demand increases significantly through village.

2. Waste (Refuse) Storage and Collection - Storage and transport through Southwater of collected waste or refuse from outside the site is unacceptable.

3. From travel demand calculations, estimate number of vehicle movements is 562/day. This includes vehicles servicing site and therefore LGV's and HGV's.

4. 24hr Operation would have significant impact to residents north of site and on route to and from the A24 along Mill Straight, passing Roman Lane and Mullberry Fields. Impact of pollutants such as noise, light and air quality (emissions) not acceptable. Reference Southwater Neighbourhood Plan, para. 9.7.

5. Construction transport and Traffic Route – Access and egress via Mill Straight and Pollards Hill to be compulsory.

6. Upgrade Roman Lane roundabout on route to Pollards Hill to support additional traffic.

7. WSCC to confirm Pollards Hill roundabout on A24 would not need upgrading as part of Worthing to Horsham A24 corridor improvements.

8. Cumulative effect of traffic increase from developments since existing facility was constructed, means Transport Assessment/Survey, Traffic Management Plan and Construction Management Plan for the construction and operation period should be provided.

9. According to WSCC Highways, a Road Safety Audit not required. However when calculating increase of vehicle movements correctly, that is inaccurate. Therefore due to increase in traffic travelling through Southwater, a Stage 1 Road Safety Audit (RSA) should be carried out.

10. LPA to confirm contradiction in supporting documentation of using access road for overspill car parking.

11. LPA to confirm using access road for overspill car parking will not impact Swept Path access/egress to the site from the access road.

12. LPA to confirm Swept Path access/egress from access road to the site during operation will not impact other business.

13. LPA to confirm neighbouring business sharing access road consulted.

14. LPA to confirm 'Use Class' change for this site is incorporated in this planning application. Parish should be consulted on this change.

15. LPA to confirm and correct various planning application errors.

16. Emissions (Air Quality) Assessment – Reason for not producing an Emissions Assessment is there was no predicted increase in traffic flow. Emissions Mitigation Assessment based incorrectly on comparing existing operational manufacturing plant with development. Existing facility closed since June 2018. Demonstrable impact to traffic flow/Travel Demand is 562 vehicles / day. Sufficient to warrant Emissions Assessment. Should include site and A24 via Pollards Hill. Once true reflection of emissions established, complete Emissions Mitigation Assessment can be produced, incorporating site and route.

17. Noise & Light Assessments are limited in understanding of travel demand and consider only the site, disregarding route from A24. Revised noise and light assessments should be produced based on travel demand of 562 vehicles / day and should include site but also route from A24 via Pollards Hill and Mill Straight.

18. Other documents do not consider travel demand figure of 562 vehicles / day and impact to both site and route.

19. Clash with Churchill's proposed Southwater Retirement Site Roundstone Caravan Park (DC/22/0096). The construction phase of this development should not coincide/clash with the Churchill construction phase. A condition of this development is that a schedule of work is prepared and forwarded to Churchill.

3.16 No comments received from residents.

#### **4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS**

4.1 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.

4.2 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.

#### **5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER**

5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

#### **6. PLANNING ASSESSMENTS**

##### **Principle of Development**

6.1 The Development Plan for this part of Horsham District consists of the Horsham District Planning Framework (HDPF) and the Southwater Neighbourhood Plan (SNP). The HDPF sets the strategy for economic growth within the District to 2031. Policy SNP1 of the Southwater Neighbourhood Plan sets out the core principles to guide development in Southwater until 2031. Principle (f) of SNP1 requires all development to contribute to sustainable development.

- 6.2 Consideration of this proposal starts with the HDPF where policy 7 (Economic Growth) is of relevance. This policy seeks to protect existing employment and commercial sites to ensure sufficient local employment opportunities are maximised. HDPF Policy 9 deals with sustainable economic development and sets out this will be achieved by, amongst others, the expansion of existing employment sites within the built-up area boundary which will be supported where business requirements cannot be met within the existing premises, through acceptable on-site expansion or intensification.
- 6.3 The Council has evidenced how it can meet the needs of the industrial/warehouse sector, most recently in the Lichfields Northern West Sussex EGA Updates (Jan 2020 and Nov 2020 for Horsham District) studies as part of the Council's evidence base for its Local Plan Review. The Lichfields Updates concluded that it continues to be necessary to protect valued employment and commercial sites to ensure there are sufficient local employment opportunities to meet the needs of the District.
- 6.4 The application site is located within the built-up area boundary and is allocated in the Southwater Neighbourhood Plan as 'Parish Employment Area' under Policy SNP 21 A *Growing Economy* which states proposals in such areas will be approved, "*where they maintain net employment floorspace or the number of full time equivalent (FTE) jobs*".
- 6.5 The applicants anticipate the proposed development will exceed the number of full-time equivalent jobs, when compared against Sony DADC's former activities at the site, in compliance with Policy SNP21. However, there is an overall loss of commercial floorspace.
- 6.6 The proposed development seeks to deliver 9,179 sqm of floorspace. When compared to the existing warehouse buildings – a total 10,469 sqm of floorspace – this results in a reduction of 1,290 sqm of floorspace. The existing warehouse buildings, which date back to the 1980s, are said by the applicant to be inefficient by modern day standards and are approaching the end of their economic lives. The applicant, therefore, considers that the proposed development would lead to a significant upgrade in floorspace across the site, in accordance with HDPF Policy 7.
- 6.7 There is also the applicant's suggestion that loss of commercial floorspace is also influenced by the constraints presented to providing a layout which seeks to protect the amenity of nearby residents whilst also sufficient service yard and parking areas that meet the requirements of modern-day occupiers and to ensure that the site can operate safely and efficiently.
- 6.8 A flexible range of employment uses (within Planning Use Classes E(g)(iii), B2 and/or B8) are being applied for at the site. To quantify the permanent and temporary jobs that could be created, assumptions have been made by the applicant in terms of the density of employment normally expected for the different floorspace types (sourced from the HCA Employment Densities Guide). Using this guidance, a density of one job per 47 sqm (NIA) has been applied to the E(g)(iii) floorspace, one job per 36 sqm (GIA) to the B2 floorspace and one job per 70 sqm (GEA) to the B8 floorspace. On this basis, once fully developed and occupied, it is estimated the proposed development could support between 131 and 255 gross full-time equivalent (FTE) jobs on-site depending on proposed uses.
- 6.9 The applicant notes the 131 figure provides the absolute minimum number of jobs that the proposed development could create and is predicated on all units being used by B8 operators which is considered highly unlikely, particularly when considering the sizes of some of the proposed units and their service yards etc.
- 6.10 Information obtained by the applicant from Sony DADC confirms that its former activities at the site culminated in a total of 148 jobs, comprising a mix of FTE and part-time equivalent (PTE) jobs. While the total number of previous jobs is 148, this accounts for FTE and PTE roles and the number of FTE roles is likely to be lower than this.

- 6.11 The Council's Economic Development team still query whether this proposal could have delivered more on the amount of commercial floorspace, to maximise opportunities at this location and limit loss of commercial floorspace. Nonetheless, they believe the redevelopment would be positive for the local economy and an improvement on the existing offer, as it seeks to deliver some smaller, more modern, and higher-quality units between 656 sqm and 3,723 sqm, which would potentially make this site more viable. This contrasts with the site's current offer, which is a selection of what appear to be quite large and potentially outdated units. In their view, the redevelopment would be likely to attract businesses looking to start-up or relocate, therefore would facilitate business growth within the district.

### Summary

- 6.12 The principle of development on the site is established through its allocation for employment use in the SNP. Taken together, the adopted planning policies SNP21 and HDPF 7 & 9, seek to encourage and promote employment (B1c (now reclassified under Class E(g)(iii), B2 and/or B8) uses in locations such Southwater Business Park. The proposed planning uses in this submission scheme align with those uses supported and promoted in those policies.
- 6.13 The proposed development would result in redevelopment of a previously developed site. The proposals would lead to employment opportunities, both through the construction phase and in provision of a range of industrial units to support economic growth. There is some suggestion in the applicant's evidence that the level of employment opportunities may be equivalent to or even add to what is currently on offer at this site.
- 6.14 In light of the above, the principle of employment-based redevelopment on the site is acceptable, subject to all other considerations. As the supporting text of Policy SNP 21 notes, this includes scrutiny to ensure impacts of growth do not have unacceptable impacts.

### **Design and Appearance**

- 6.15 The proposals should have regard to HDPF Policies 32 and 33: Development Principles which states that proposals should, amongst others, be distinctive and respect the character of the surrounding area, through good design and landscaping. SNP 16 seeks to secure similar design outcomes.
- 6.16 The proposed layout places the buildings lined along an internal access road, parallel to the northeast part of the site, with the service yard on its side. This is responsive to the constraint of the shape of the site. The units are configured in an efficient and commercially feasible way, each with appropriate access and operational yard space.
- 6.17 The scale and massing of the storey height of the unit at the southern end of the site is said by the applicant to be responsive to the sensitivity of the County Park and The Downs Link (ensuring compliance with policies 8 and 17 of the SNP relate to site levels and the Country Park). At the southern end of the site the proposed scale and massing is broadly in line with the existing building heights. Due to the embedded location of the site, the public views would be read in context with the commercial context and its location within the built-up area of Southwater. In addition, the majority of these views would be predominantly observed by workers and visitors associated with the business park and its commercial uses.
- 6.18 The elevation treatment, a mix of vertical and horizontal profiled metal cladding, reflects the simple, rectilinear form of large industrial buildings. The elevations provide for integrated signage to avoid a disfiguring proliferation of applied adverts. The acoustic fencing is not considered to result in any adverse visual harm as it is within the confines of the business park and would not be readily visible to users of The Downs Link or the Country Park.

- 6.19 There is reliance on front servicing for deliveries. The industrial uses are likely to require areas on which to store materials. Some such area is provided as well as refuse stores to serve the units, to help reduce visual clutter. The new development minimises crime opportunities and attempts to balance visual harms arising from security and other functional mitigations (such as the acoustic fencing) with some landscape setting for the buildings. External lighting is controllable by condition to reduce light pollution and nuisance. These outcomes are important to deliver given the character of the area and the qualities of the nearby Ancient Woodland/ Southwater County Park/Downs Link.

### Summary

- 6.22 The Council's Landscape Architect consultant judges that, given the siting of the proposals within the Southwater Business Park and its existing employment land use and somewhat enclosed character (due to dense woodland and treed landscape which bounds the majority of the business park's boundaries), the proposed re-development would be indistinguishable from development that already exists within the Business Park. It would not therefore have a significant adverse impact on the character and appearance of the area, and the scheme complies with relevant development plan policies in this respect.

### **Landscaping and Trees**

- 6.21 The Council's Landscape Architect consultant does not object to the principle of the development, advising that planting proposals should include well-designed soft landscape and planting. A soft landscape plan has now been provided, with full details to be secured by condition. The suggested 'naturalised corridor' use of permeable paving to car parking areas and concrete surfacing to service yards is welcomed. Requested details of all external hard surfaced / landscaped areas, including planting schedules and specifications informed by the adjacent woodland, existing and finished levels, and construction measures to ensure the protection of retain trees, hedgerows, and vegetation can all be provided by condition. Notwithstanding the indicative security fencing within the DAS, details of the means of enclosure and other boundary treatments (gates, fencing, balustrades, planters, walls, kerbs, etc) are also requested by condition. Further detail by condition will also be required regarding the landscape management and maintenance.
- 6.22 In order to implement the proposal, the submitted 'Arboricultural Impact Assessment' initially suggested a loss of 10 No. trees and 7 No. groups (inclusive of Categories B, C and U). Tree planting on site is suggested in mitigation. At your officer's advice, the applicant has agreed to retain T10 and T11 (Willow) in the proposed car park. Elsewhere on site, proposed landscaping and amenity planting is limited in achieving a transition between urban and wooded landscapes.
- 6.23 The northern and southern tree belts are Ancient Woodland and the southern shaw forms part of the Southwater Country Park. A 5.5m buffer is secured along the boundaries, which is welcomed and satisfies Natural England Standing Advice. Nonetheless, the Council's consultant Landscape Architect requests details by condition of a proprietary temporary load-bearing surface to prevent compaction damage to tree roots during construction and demolition phases, as well as areas of 'no dig' construction methods and information. With such measures, there would be compliance with Policy SNP8 (Southwater Country Park) which requires the proposal be sympathetic and in keeping with the natural environment of the Country Park and not have a negative impact on existing flora and fauna.
- 6.24 Policy SNP18 *A Treed Landscape* of the Southwater Neighbourhood Plan states that a minimum of one new tree per 40m<sup>2</sup> of floorspace created is required. However, the proposal represents a net loss of existing floorspace so the provisions of SNP18 are not triggered.

### **Heritage**

- 6.25 Policy 34 of the HDPF and SNP19 requires the Council to sustain and enhance its historic environment through positive management of development affecting heritage assets.
- 6.26 The proposal is located close to prehistoric activity to the west, with Neolithic flints recovered north of site and Post-medieval remains on the Horsham-Shoreham railway line. However, the site has already been heavily impacted by construction of the current commercial buildings, and it is likely any archaeological remains, if present, have already been extensively disturbed. Consequentially, the Council's Consultant Archaeologist has no recommendations.
- 6.27 The Council's Conservation Officer is satisfied no harm would result to the setting of the Grade 2 listed Cock Inn (now trading as "Topsy Fox") the closest designated heritage asset to the proposed redevelopment, due to the significance derived from its setting, the distance involved and the intervening built environment.
- 6.28 Neither would harm in heritage terms arise onto the Downs Link (afforded non-designated heritage asset status in the SNP), given its qualities would be preserved for the reasons explained earlier in this report.
- 6.29 As such, officers consider that that development would accord with Local Policy 34 of the HDPF and SNP 19 and National Policy.

### **Residential Amenity**

- 6.30 Policies 32 and 33 of the HDPF seek to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land. HDPF Policy 24 expects developments to minimise exposure to and the emission of pollutants including noise, odour, air and light pollution.
- 6.31 The site is located in the centre of the residential village of Southwater. The route to and from the A24 approach to the site is via residential roads along Worthing Road and Mill Straight, passing Roman Lane and Mullberry Fields. Residential properties, with associated first floor bedrooms, are located north of the site and near to the business park junction with Worthing Road.

### Construction Phase

- 6.32 Amenity impacts arising during demolition and construction works, such as the potential to create dust, can be mitigated through suitable measures secured through condition, in a construction environmental management plan. Given the distance and intervening tree belt and structural vegetation, the physical form of the proposed development at operational phase would not result in harmful loss of light, loss of privacy or loss of outlook. The main issues to consider are that of contamination, noise, light and air quality at operational phase, and these are set out below.

### Contamination

- 6.33 A Phase II Site Investigation and qualitative risk assessment accompanies the application. This confirms concentrations within the made ground do not pose a risk to human health receptors but require additional remediation works. The Council's Environmental Health Officer (EHO), whilst not raising an objection, has requested further information on gas monitoring and full details of any remediation measures by condition.

### Light

- 6.34 The application is supported by a Lighting Impact Assessment setting out artificial lighting of the proposed development; a combination of column and wall mounted LED fittings, as well

as bat sensitive lighting. LED lights sources proposed have very low light emissions (a colour temperature of 4000K or less) and fitted to minimise upward light spill. Environmental Health Officers have not raised an objection to the proposed lighting. The submitted light scheme can be secured through condition, so negative impacts through light pollution onto neighbouring residential amenity are avoided.

### Air Quality

- 6.35 The application is supported by an Air Quality Assessment and Mitigation Statement. During operation phase, some particle concentrations are predicted at a number of locations adjacent to the road network, but air quality impacts have been classified as 'negligible'.
- 6.36 The accompanying Air Quality Mitigation Statement estimates the total damage cost value at £11,359 and sets out a mitigation package to reflect this monetary value. The mitigation package includes the provision of cycle storage and EV charging points (active/passive provision).
- 6.37 Environmental Health Officers have not raised objection on air quality grounds, subject to securing the delivery of a mitigation package that does not duplicate other measures realised under separate legislative regimes (such as EV provision under Building Regulations). This can be secured by condition. Having regard to this, no negative impact on neighbouring residential amenities will occur as a result of air quality effects.

### Noise and Disturbance

#### *The Applicant's case*

- 6.38 The applicant's case is that noise and disturbance impact on the amenity of nearby residential properties north of the site, has been considered; the layout of the proposed buildings is configuration into terraces with service yards positioned to the south away from the residential to the north, providing a physical barrier from yard noise, disturbance and activity.
- 6.39 A Noise Impact Assessment (NIA) has been prepared by Sharps Acoustics LLP in support of this application. The applicant's assertion is that the NIA has demonstrated that the proposed development would not have an adverse impact on the amenity of nearby residential properties. This is based on the uses being applied for and 24 hour operations at the site.
- 6.40 The applicant asserts that the NIA confirms that with mitigation in place, the predicted noise levels would be below the lowest observable adverse effect level at all times. No further noise mitigation measures are required and there would be, by definition, no observed adverse noise effects resulting from the proposed 24 hour operations. The NIA confirms that mechanical services and any other external plant can be controlled by condition to ensure no adverse noise effects from its operation.

### *24 hour operations*

- 6.41 It is said by the applicant that 24/7 operations are applied for to ensure the proposed units are fit to meet the operational requirements of prospective tenants. A letter from Dowley Turner Real Estate (the industrial agent for the proposed development) accompanies this application. It notes that whilst the proposed development is yet to be widely marketed, there is likely to be strong interest, owing to the lack of available stock in the area. The letter says that potential occupiers are highly likely to be put-off by any form of restrictions being placed on the proposed units (both in terms of operational hours and delivery hours).
- 6.42 The letter draws on comparable examples within the district to demonstrate this point, including schemes at Oakwood Business Park and Nowhurst Business Park. In relation to the former, the letter notes that the scheme reached practical completion in January 2021 and remained vacant for over 12 months, despite being marketed from an early stage. The agents for the scheme confirmed that many discussions with prospective occupiers came to an abrupt halt when the hours of use restrictions were disclosed. Similarly at Nowhurst Business Park which received planning permission in December 2017, the letter confirms there has been little success in securing pre-lets for the approved employment units, with many prospective occupiers citing the hours of use restriction as the main barrier for reaching an agreement.
- 6.43 The above is asserted to demonstrate the importance of applying for 24/7 operations as part of this application, as this would provide the necessary flexibility for prospective businesses looking to occupy the proposed units. Unrestricted activities in this respect would enable the proposed units to better meet the needs of industrial / commercial operators and would make them a much more desirable proposition to the market.

### *Your Officer's advice*

- 6.44 All of the noise limits assessed in the NIA are health-based values. Broader issues of amenity, character of the locality and quality of life as described under national policy should be considered; the potential for impact, particularly from night-time delivery vehicles, is significant.
- 6.45 24 hour operation would have significant impact to residents north of the site and on route to and from the A24 along Worthing Road and Mill Straight, passing Roman Lane and Mullberry Fields. Impact of pollutants such as noise, light and air quality (emissions) are not considered to be acceptable without the mitigation measures recommended by your Environmental health Officers. Policy support for continued growth at Southwater Business Park is caveated by the need to ensure that the impacts of growth in this location does not have unacceptable impacts on the rest of the community (SNP, para. 9.7).
- 6.46 The Council's Environmental Health Officer has formally objected to unrestricted 24 hours use as the degree of control necessary to protect the amenities of nearby residents would not be enforceable as planning condition. This degree of control took the form of suggested planning conditions by the Environmental Health Officer to control vehicle movements to one two-way movement in every hours during the night time period (2300 to 0700) and for no more than 16 vehicle movements to take place during the same. In your Officer's view neither would satisfy the planning tests as enforceable. Night-time noise from increased traffic movements particularly at the entrance to the site off Worthing Road will be readily audible to nearby residents. There will be harmful impact and as a result the proposal conflicts with HPDF Policies 24 and 33 in relation to this matter.
- 6.47 The close relationship of the site with residential properties, with associated first floor bedrooms, located north of the site and near to the business park junction with Worthing Road, is such that they would be exposed to noise disturbance from 24/7 operations at the site. This outcome is considered to arise despite inclusion of acoustic screens on site, as the



Environmental Health Officer advice is that it is necessary for all acoustic screens to still be installed even if 24/7 use is not permitted, and for the currently proposed 2 no. 2.4 metre screens located between the buildings to be increased in height to 4.5 metres (this can be secured by condition). The acoustic screens are mitigation put forward by the applicant to address potential for noise break-out from delivery and despatch areas of the site to impact residential receptors on Station Road, Little Bridges Close and Lakeside Drive. Your Environmental Health Officer is broadly in agreement and therefore welcome the proposal to include screens. Your Environmental Health Officer would however like to see a 4.5-metre-high screen, as proposed at the western end of the site, present between the proposed buildings.

- 6.48 It is not possible to restrict occupation to un-named businesses only; therefore, regard must still be had to the potential for alternative businesses to occupy the units in a more intensive manner. To be clear, your Environmental Health and Planning officers are satisfied sufficient evidence has been submitted via the applicant's noise assessment to demonstrate that it is not necessary to restrict internal operations inside the new buildings themselves, given the construction standards to be used avoid the dispersal of harmful noise originating from operations within the buildings onto exterior receptors.
- 6.49 Accordingly, the main amenity harm would be from vehicle movements at the entrance to the site and as such officers recommend that a condition is applied to restrict such movements at night. Environmental Health officers have recommended that movements be restricted to between 07:00hrs– 20.00hrs Monday – Friday, 07:00 – 18:00hrs Saturdays, and not at all on Sundays, Bank Holidays or Public Holidays. However, it is noted that existing operations are unrestricted at the site therefore acknowledging this existing situation and the need to avoid unduly constraining employment at this allocated employment site, it is considered that an alternative restriction to that recommended by Environmental Health officers is reasonable in this case. As the main concern is delivery/dispatch traffic movements at night, officers recommend that that these movements are limited to between 07:00hrs– 22.00hrs Monday – Saturday, and 09:00 – 18:00hrs on Sundays, Bank Holidays or Public Holidays. In addition, and as recommended by Environmental Health officers, a condition preventing works of construction, fabrication, repair, servicing or maintenance in the open air is recommended. With these conditions, internal operations would remain unfettered as existing, however the harmful impact of traffic movements during the night from deliveries/dispatches, would be mitigated.
- 6.50 In order to further ensure the safe operation of the development and to protect the amenities of nearby residents, it is also recommended that a noise management plan be submitted to and approved by the Local Planning Authority. This should include but not be limited to, hours of operation, management responsibilities during all operating hours, measures to control noise from all activities and operations at the site (including the operation of any equipment plant, or building services) and minimising noise from vehicles, deliveries and servicing. The noise management plan shall be regularly reviewed to ensure that it take account of current operational practices at the site.
- 6.51 Additionally, it is also judged necessary to condition no internal/external plant, machinery equipment or building service plant be operated until an assessment of the acoustic impact has been approved by the Local Planning Authority.
- 6.52 With these conditions, it is judged that a reasonable balance has been struck between accommodating flexible operating hours whilst ensuring the protected of the residential amenities of nearby neighbours. It is noted that no detail has yet been evidenced by the applicant to your officer on the operational requirements of any prospective end user. Under these circumstances, it is concluded that Policies of 32 and 33 of the HDPF are satisfied

## Highway Matters

- 6.53 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users, as well as adequate parking and facilities. It should be noted that developers can only be required to mitigate the impact of their development, in accordance with CIL Regulations. Policy SNP15 requires development proposals support electric vehicles, and demonstrate car-charging point installation adjacent to all parking spaces on site.
- 6.54 A Transport Statement (TS) and a Framework Travel Plan (FTP) have been prepared by Velocity in support of this planning application. Both should be read in conjunction with one another. A Parking Management Plan (PMP) has also been prepared together with a draft Delivery and Servicing Plan (DSP). West Sussex County Council (WSCC), as the Local Highway Authority (LHA), has carefully reviewed these, and raised no objection to the scheme.

### Access

- 6.55 The site will utilise an existing access point. The Local Highway Authority (LHA) considers access arrangements acceptable and does not judge a Stage 1 Road Safety Audit (RSA) to be required as the access is existing with no changes proposed and the number of movements would not materially change. A swept path analysis has been provided to demonstrate that vehicles can access and egress without conflict within the TS. Given the LHA comments, your officers accept that the proposed access arrangements are acceptable, and will not give rise to any highway safety issues.

### Network Capacity

- 6.56 Turning to the impact on the highway network, the applicants have used TRICS software (industry standard) to calculate the trip generation from the proposed development. It should be noted that TRICS is an industry standard software that has been tested successfully many times at planning appeal and is considered a robust system to ascertain traffic generation.
- 6.57 The applicant has undertaken a trip generation analysis for the maximum number of proposed and previous usage at the site using the industry standard TRICS software. The proposed development will result in a decrease in the number of vehicle trips in the AM peak by 18 and a net decrease of the number of vehicle trips in the PM peak by 14. The total daily vehicle trips will increase by 120. Given the results of the TRICS analysis, including a positive impact in the AM and PM peak hours due to a reduction in vehicle trips, the LHA does not consider the proposals would have an 'unacceptable' impact on the network and do not consider the application requires any further assessment on local junction capacity.
- 6.58 A Delivery & Servicing Plan (DSP) outlines the principles associated with servicing of the proposed development and establishes management measures that will be implemented to ensure activity associated with deliveries, servicing and refuse collection will not adversely impact upon the operation of the highway network (inclusive of the internal estate road and Worthing Road). The applicant would implement the DSP alongside a Parking Management Plan (PMP) so servicing and parking activity are managed efficiently.
- 6.59 Having regard to the above, officers accept the conclusions by both that the proposed development will not have a 'severe' impact on the capacity of the existing highway network. Equally, there is compliance with SNP4 *Keeping our Roads Moving*.

## Parking

- 6.60 On the advice of the LHA, the Transport Assessment has undertaken a site-specific assessment and in considering the need to balance operational requirements with available space and to ensure efficient use of land, it is proposed to include 119 car parking spaces. This is equivalent to 1 space per 73 sqm which provides a blended ratio to reflect the flexible use sought, whilst remaining flexible to the needs of future occupiers. The LHA supports this approach in principle; the maximum parking demand is assessed as 58 spaces over a weekday period, so the proposed provision would sufficiently accommodate demand and minimise overspill on the public highway.
- 6.61 There is provision of shared secure cycle parking spaces that exceed the WSSC 'Guidance on Parking at New Developments' standards, when applying the average standard for the use classes involved in the flexible use scheme (short stay - Sheffield stands for 18 bicycles, long stay – double stacked covered and secure cycle parking for 44 bicycles). This is considered appropriate given the future occupiers are unknown. 24 spaces (a minimum of 20% of parking spaces) will have Active charging points with the remainder 'passive' enabled for connection at a later date. It is noted that the yearly EV provision index in the WSSC guidance for 2023 is for 40% provision but given nature of the planning uses applied for with a large parking area and future proofing in the passive provision, a balance is considered appropriate in this case.
- 6.62 The LHA have not raised an objection to the proposal in respect of the proposed parking provision and your officers are content that the scheme provides for an adequate level of provision to meet the needs of the intended uses. This provision would equally satisfy the standards prescribed in SNP 15 *Driving in the 21<sup>st</sup> Century*.

## Sustainable Access

- 6.63 The proposed development is accompanied by a suite of management strategies, including a framework travel plan to promote modes of travel other than the private vehicle and reduce the reliance of motor trips to and from the site for future staff/visitors, and to manage associated parking and freight, servicing and deliveries. This has been reviewed by the LHA to its satisfaction, with a detailed travel plan to come forward for agreement once occupiers are known secured by condition. The framework travel plan content is in compliance with SNP13 *Enhancing our non-motorised transport network*.
- 6.64 The LHA advises that footway improvement works as a form of mitigation are required. It is reasonable to request only improvements at the site access to this employment development that might need implementing, this includes crossing improvements in the form of tactile paving at proposed newly aligned vehicular access/egress points within the business park itself, but also at the business park junction with Worthing Road. These additional improvements would benefit pedestrians and cyclists travelling to site. The works could be delivered via Section 278 Agreement and would be compliance with SNP13.

## Summary

- 6.65 The proposal has been carefully considered by the LHA who has confirmed the proposed development will not result in any unacceptable highway safety issues or have a severe impact on the operation of the road network. The level of parking is acceptable to meet the needs of the development and a Travel Plan can be secured by condition to promote alternative modes of travel to and from the site. It is therefore considered the application complies with policy and guidance contained within local and national policy, and that there are no transport grounds to resist the proposal.

## **Ecology**

- 6.66 The proposals should have regard to HDPF Policy 31 which requires development to contribute to the enhancement of existing biodiversity.

### Protected and Priority Habitats and Species

- 6.67 The Council's consultant Ecologist has reviewed the Preliminary Ecological Appraisal, and the badger and bat surveys (Rev. 1 Phlorum Limited, Nov 2021) which accompany this application, relating to likely impacts on protected and priority habitats and species, particularly bats, badgers, reptiles, nesting birds and hedgehogs and identification of proportionate mitigation. Whilst the site itself is not subject to statutory/non-statutory designations related to ecology, it is located within a 'Bat Sustenance Zone' and adjacent to Southwater Country Park, a local wildlife site.

### *Bats*

- 6.68 The survey results are low level of bat activity at the site and no potential bat roosting features seen in buildings. However, as mobile species, there is potential for bats to roost in the buildings, or in offsite trees and a precautionary approach to start of works is agreed. It is also agreed a Wildlife Friendly Lighting Strategy be implemented, with technical specification to avoid lighting impacts to habitat corridors and foraging and commuting bats present in the local area. This can be secured by planning condition.
- 6.69 The proposal is within 12km of The Mens Special Area of Conservation, with Barbastelle bats listed as a qualifying feature. As competent authority, your officers have undertaken Appropriate Assessment of the proposals concluding that, with the implementation of the sensitive lighting scheme, there will be no adverse effect on integrity of the above site. Natural England are satisfied with this.

### *Badgers*

- 6.70 One historic badger sett was found on site, but no evidence of the site being used now. The site is considered to provide high potential for breeding badgers and moderate potential for foraging and commuting badgers and, as such, precautionary measures are agreed (site walkover before start of works).

### *Biodiversity Enhancement*

- 6.71 Also supported are proposed reasonable biodiversity enhancements (bat and bird boxes and bricks and wildlife friendly pathways and planting), recommended to secure measurable net gains for biodiversity. The measures should be outlined within a Biodiversity Enhancement Strategy and secured by condition prior to slab level. The measures ensure compliance with the Council's Biodiversity and Green Infrastructure PAN.

### Summary

- 6.72 The Council's Ecologist is satisfied there is sufficient ecological information available for determination, for certainty of likely impacts on protected and priority species and to demonstrate compliance with statutory duties and that, with appropriate mitigation secured, the development can be made acceptable. This is subject to action in accordance with recommended conditions, including securing a Construction and Environmental Management Plan (Biodiversity) and Landscape and Ecological Management Plan.

## **Water Neutrality**

- 6.73 From the evidence provided in the submitted Water Neutrality Statement (BWB Consulting Ltd Version P05 November 2022) the applicant is proposing to achieve neutrality by using efficient fixtures and fittings, as well as implementing rainwater harvesting. This follows advice from your officers and Natural England.

### Existing water consumption

- 6.74 Metred water bills have been provided for the previous 3 years (period 07/2020 to 02/2022) but actual metered data reflecting full operation and evidenced baseline consumption for Sony's operations at the site is for a period of only six months. However, there is no evidence to suggest the use for another 6 months of the year would be any different. The water consumption was 6,072 litres per day for the six-month period.
- 6.75 Alternative methodologies (BREEAM and OffPAT) have also been used to devise the calculated water consumption for the existing development (undertaken at differing levels of occupancy and for alternative use classes and based on 252 days operation). The BREEAM water consumption calculators show the consumption to be 18,725 litres per day: 4,718,662 litres per annum. Using OffPAT occupancy figures then the water consumption amounts to 8,207 litres per day: 2,068,093 litres per annum. The OffPAT figures provide certainty that the six month bill period is sufficiently representative of existing water consumption.

### Proposed water consumption

- 6.76 Alternative methodologies (BREEAM and OffPAT) have been used to devise the calculated water consumption for the proposed new development. The calculations have been undertaken at differing levels of occupancy and for alternative use classes to ensure all conditions were considered in respect of the number of occupants and type of use.
- 6.77 The calculated water consumption for the proposed new development without mitigation, based on OffPAT occupancy figures (198 persons), is 7,709 litres per day (1,942,640 litres per annum). Based on BRE occupancy figures (511 persons), it is 19,880 litres per day (5,009,746 litres per annum).

### Mitigation

- 6.78 Efficiencies include dual flush WCs, flow restrictors to wash hand basins, showers and sinks. The result of the efficiencies is to reduce water consumption to 26.58 litres per person per day.
- 6.79 In addition to water efficiency measures, to further reduce water consumption rainwater harvesting has been included. Rainwater harvesting will be used to feed flushing WC cisterns only.
- 6.80 Individual rainwater harvesting systems may be provided for each unit, avoiding shared supplies with storage tanks more manageable in size. An alternative is a single system under which rainwater is collected from each unit roof via downpipes to a common storage tank with the harvested water pumped to each unit on a common distribution system.
- 6.81 The annual rainwater yield for the development is 5,308,276 litres/annum. The rainwater storage capacity based on 35 day storage using OffPAT occupancy levels would be 125m<sup>3</sup> whilst at BRE occupancy levels the total storage required would be 322m<sup>3</sup>.
- 6.82 The rainwater harvesting system is to supply non-potable water for the development. From reviewing the submitted information and considering the proposed commercial use of the private water supply, Environmental Health officers are of the view that the risk assessing,

testing and maintenance of the supply for the lifetime of the development can be secured through conditions alongside the final details of the rainwater harvesting system.

### Summary

- 6.83 In both cases (BREEAM and OffPAT occupancy) the water consumption of the proposed development, based on the efficiency fittings and rainwater harvesting, occupants and frequency of use post development, is substantially less than that of the existing development when compared to the evidence of the former site use.
- 6.84 In the case of OffPAT levels of occupancy, the proposed development with water efficiency measures will use 1,700 litres per day (a reduction of 4,372 litres per day; 1,587,055 litres less per annum). With the increased level of occupancy given by the BREEAM methodology, the proposed development will use 4,385 litres per day (a reduction of 1,688 litres per day; 612,575 litres less per annum). This means in the 'worst case' scenario the site will consume less mains water than the previous use of the site.
- 6.85 As competent authority, your officers have undertaken Appropriate Assessment in respect of impacts on the Arun Valley SAC/SPA/Ramsar habitat sites, concluding that, with mitigation, the project will not have Adverse Effect on their integrity. Your Officers are satisfied conditions to be imposed are sufficiently robust to ensure mitigation measures can be fully implemented and are enforceable in perpetuity and therefore provide a sufficient degree of certainty to pass the Habitats Regulations. Natural England concurs with the assessment conclusions, providing that all mitigation measures are appropriately secured.

### **Other Matters**

#### Sustainable Construction

- 6.86 The proposed development will incorporate measures to improve its sustainability, which in addition to an approach to building fabric and construction set out in the Energy Statement that accompanies this application, includes the installation of EV charging spaces within the car park. It is considered that the application complies with policies. An. The development is accessible by means other than the motor car. The buildings are targeted to achieve a BREEAM rating of Very Good.

#### Drainage

- 6.87 Policy 38 of the HDPF deals with flood risk and drainage. The application is supported by a Flood Risk Assessment (FRA) and Drainage Strategy (DS), the latter updated with evidence on surface water run-off rates requested from the Local Lead Flood Authority (LLFA) and Council's Drainage Officer.
- 6.88 In respect of flooding, the site is in flood zone 1 at low risk for fluvial flooding, and at very low surface water flood risk with no historic flooding records. Foul water drainage will be discharged to an existing foul sewer. In respect of the proposed surface water drainage strategy the submitted details show it is intended to deal with this via Sustainable Urban Drainage. In addition to using the existing drainage network, permeable paving and two attenuation tanks on site will be utilised.
- 6.89 The above measures will result in a 50% betterment when compared to the existing discharge rates. While discharging at no greater than 2 l/s/ha is acceptable, the LLFA's preference is that runoff should where possible be restricted to 'greenfield runoff' rate. With evidence now received from the applicant that greenfield run-off rate is not achievable due to various constraints, the drainage authorities have no further adverse comments and recommend suitable conditions.

## Conclusions

- 6.90 The proposed redevelopment of this existing commercial site will bring forward new employment premises on previously developed land and on an existing allocated employment site in the District and the Neighbourhood Plans. This would assist in supporting sustainable economic development within the district. Your Officers are satisfied that the proposal is both justified and consistent with Local Plan policy in this regard. As directed by paragraph 81 of the National Planning Policy Framework, significant positive weight is placed on the economic benefits arising from this proposal.
- 6.91 Turning to the impact of the proposals, the layout and design of the scheme is an appropriate response to the townscape context for the development as well as mitigating visual impact on the surrounding area and maintaining its character. Subject to appropriate controls and mitigations secured via through condition, there will be a neutral impact in respect of highway safety and parking provision, drainage, air quality, and ecology with no Adverse Effect on the Arun Valley habitat sites. Subject to imposing limits and controls on future operations, including operating and delivery hours, residential amenities can be protected (whilst recognising that, regarding amenity impacts, unfettered 24/7 operation in this location is judged by your officers to be harmful).
- 6.92 On this last matter of 24/7 operation, whilst it is acknowledged the existing site is historically unfettered, this proposal seeks to redevelop the site to bring forward an increased number of business units (from 1 to 7). The broader context must be considered rather than just noise impacts. The noise impacts from the limited external activity as modelled in the noise survey may be unlikely to be harmful to health, but that does not make it desirable or appropriate given the speculative nature of the development proposals. It remains the view of your officers that the conditions advised by your EHO represent the right balance between the applicant's desire to market the development as widely as possible and the protection of the amenity and character of the area.
- 6.93 It is therefore recommended that planning permission be approved subject to the conditions set below.
- 6.94 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1<sup>st</sup> October 2017.

### **It is considered that this development constitutes CIL liable development.**

Use Description	Proposed	Existing	Net Gain
Other Development	8,704	10,437.58	-1,733.58
		<b>Total Gain</b>	<b>-1,733.58</b>
		<b>Total Demolition</b>	<b>10,437.58</b>

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.

## 7. RECOMMENDATIONS

### Conditions:

1. List of Approved Plans
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 Condition:** No development, including demolition, shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:
  - (a) An intrusive site investigation to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
  - (b) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and a verification plan providing details of what data will be collected in order to demonstrate that the remedial works are complete.

The scheme shall be implemented as approved. Any changes to these components require the consent of the local planning authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

4. **Pre-Commencement Condition:** No development shall commence until precise details of the existing and proposed finished floor levels and external ground levels of the development in relation to nearby datum points adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policy 17 of the Southwater Neighbourhood Plan (2021).

5. **Pre-Commencement Condition:** The development, including demolition, hereby approved shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following relevant measures:
  - i. An introduction consisting of a description of the construction programme, definitions and abbreviations and project description and location which identifies activities likely to cause high levels of noise or dust;
  - ii. Details of how residents will be advised of site management contact details and responsibilities
  - iii. Detailed site logistics arrangements, including location of site compounds, location for the loading and unloading of plant and materials, site offices (including height and scale), and storage of plant and materials (including any stripped topsoil)
  - iv. Details regarding parking or site operatives and visitors, deliveries, and storage and details regarding dust and noise mitigation measures to be deployed including identification of sensitive receptors and ongoing monitoring;



- v. The arrangements for public consultation and liaison prior to and during construction works - newsletters, fliers etc - including notification as to when any significant noise activities such as piling will be taking place
- vi. Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination
- vii. Locations and details for the provision of wheel washing facilities and dust suppression facilities and details of traffic construction routing to and from the site and hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network
- viii. A Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities, including but not exclusive to pollution, vegetation clearance, open excavations particularly for dormice, bats and badger.
- b) Identification of biodiversity protection zones
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities onsite of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non native species on site.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

The construction shall thereafter be carried out in accordance with the details and measures approved in the CEMP.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers and highway safety during construction and in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015) and to conserve Protected and Priority species and allow the LPA to discharge its duties under the UK habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended, s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham District Planning Framework.

6. **Pre-Commencement Condition:** No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

7. **Pre-Commencement Condition:** No development shall commence until full details of underground services, including locations, dimensions and depths of all service facilities and required ground excavations, have been submitted to and approved by the Local Planning Authority in writing. The submitted details shall show accordance with the landscaping

proposals and Arboricultural Method Statement. The development shall thereafter be carried out in accordance with the approved details.

Reason: As this matter is fundamental to the acceptable delivery of this permission, to ensure the underground services do not conflict with satisfactory landscaping in the interests of amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015) and SNP16 of the Southwater Neighbourhood Plan (2021).

8. **Pre-Commencement (slab level) Condition:** No development above ground floor slab level shall commence until a lighting design scheme for biodiversity has been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

To protect the amenities of nearby residents, the lighting scheme shall be in accordance with the Institute of Lighting Professional's Guidance notes for the reduction of obstructive light and shall have been designed by a suitably qualified person in accordance with the recommendations. The scheme shall be implemented in accordance with the approved scheme and thereafter retained as such.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area and to protect the amenities of nearby residents in accordance with Policies 24, 31, 32 and 33 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

9. **Pre-commencement (slab level) Condition:** No development above ground floor slab level shall commence until full details of the water efficiency measures and rainwater/greywater harvesting system required by the approved water neutrality strategy (WATER NEUTRALITY STATEMENT REV P05 by BWB Issue Date 09/11/2022 Document Number: SDADC-BWB-00-ZZ-RP-M-0001\_S2\_P05) have been submitted to and approved in writing by the Local Planning Authority. The rainwater harvesting system shall include suitable storage tanks to provide a minimum 35 days storage capacity.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

10. **Pre-Commencement (Slab Level) Condition:** The development hereby approved shall not commence until a Private Water Supply Management Plan (PWSMP) has been submitted to and approved in writing by the local planning authority. The PWSMP shall include, but not necessarily be limited to, the following information:
- i. Detail on the likely contaminants associated with the rainwater harvesting system.
  - ii. Detail on what type of treatment that will be installed on the supply with information clearly indicating that it is appropriate for the amount of water being used and the likely contaminants.

- iii. Detail on the proposed sampling and testing regime, undertaken in accordance with Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent), and taking into account the likely contaminants, as detailed above, along with detail on how any failure of any samples will be investigated and managed.
- iv. Detail on the maintenance, servicing and cleaning of the tanks, water treatment equipment, pumps, all pipework etc for the lifetime of the development along with regularity of servicing/maintenance and clarification what steps will be taken in the event of equipment failure. This should include any re-activation of the system after it has been out of use due to lack of rainfall/use.
- v. Details, including a plan or schematic, showing the supply – storage tanks, treatment etc, and means to record the total water consumption of each unit
- vi. Detail on the continuity of supply during dry periods extending beyond 35 days.
- vii. Arrangements for keeping written records of all sampling, results of analysis, inspection, cleaning, and maintenance.

The management plan shall be implemented as approved and maintained for the lifetime of the development. The management plan shall be reviewed annually and any revisions shall be submitted to and approved in writing by the local planning authority.

Reason: To protect public health and to ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

11. **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level shall commence until a Biodiversity Enhancement Strategy for Protected and Priority species has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
  - b) detailed designs to achieve stated objectives;
  - c) locations of proposed enhancement measures by appropriate maps and plans;
  - d) persons responsible for implementing the enhancement measures;
  - e) details of initial aftercare and long-term maintenance (where relevant).

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

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

12. **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of external materials and finishes to be used for buildings has been submitted to and approved by the Local Planning Authority in writing and all materials and finishes used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policy 16 of the Southwater Neighbourhood Plan (2021) and SNP16 of the Southwater Neighbourhood Plan (2021).

13. **Pre-Occupation Condition:** The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification that the remediation scheme required and approved under the provisions of condition 3 has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 3, unless otherwise agreed in writing by the Local Planning Authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

14. **Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that building has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, details of the rainwater harvesting system installed including a minimum 35 days storage capacity, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

15. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied unless a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by the local planning authority prior to occupation of the development. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period.
  - g) Details of the body or organisation responsible for implementation of the plan.
  - h) Ongoing maintenance and remedial measures.

The LEMP shall also include details of the legal and funding mechanisms by which the long term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objective of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham District Planning Framework (2015).

16. **Pre-Occupation Condition:** No part of the development hereby permitted shall be first occupied until full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- Details of all existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all hard surfacing materials and finishes
- Details of all boundary treatments
- Details of all external lighting

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed or retained planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: 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) and SNP8 and SNP16 of the Southwater Neighbourhood Plan (2021).

17. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the acoustic screens shown on drawing have been installed on site in accordance with the locations and manufacturer's specification as detailed and shown at Figure A.2 in the Assessment of Noise Impact report by Sharps Acoustics 04 Feb 2022 submitted with this application and notwithstanding those details, the 2 no. acoustic screens shown on Figure A2 between units 04 and 05 and units 06 and 07 shall both be no less than 4.5 metres in height.

Reason: To protect the amenities of nearby residents in accordance with Policies 32 and 33 and 24 of the Horsham District Planning Framework (2015).

18. **Pre-Occupation Condition:** Prior to the first occupation of the unit, the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabytes per second 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 Policies 10 and 37 of the Horsham District Planning Framework (2015) and SNP21 of the Southwater Neighbourhood Plan (2021).

19. **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).

20. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the car parking spaces, turning and access facilities necessary to serve it have been 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).

21. **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, details of cycle parking facilities for the development shall have been submitted to and approved in writing by the Local Planning Authority. No building hereby permitted shall be occupied until the approved cycle parking facilities associated with that building have been fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015) and SNP13 of the Southwater Neighbourhood Plan (2021).

22. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until means for the charging of electric vehicles on site have been installed in accordance with details submitted to and been approved in writing by the Local Planning Authority. The details shall have regard to the Council's latest Air Quality & Emissions Reduction Guidance document and include a plan of all charging points, their specification, means of allocation, and means for their long term maintenance. The means for charging electric vehicles shall be retained as such thereafter.

Reason: To mitigate the impact of the development on air quality within the District and to sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015) and SNP15 of the Southwater Neighbourhood Plan (2021).

23. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a revised Emissions Mitigation Assessment is submitted to and approved in writing by the Local Planning Authority. The Mitigation Assessment shall set out a mitigation package to reflect the total damage cost value in the submitted Emissions Mitigation Assessment. The details shall have regard to the Council's latest Air Quality & Emissions Reduction Guidance document.

Reason: To mitigate the impact of the development on air quality within the District and to sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with Policies 24 of the Horsham District Planning Framework (2015).

24. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a verification report demonstrating that the SuDS drainage system has been constructed in accordance with the approved design drawings has been submitted to and approved by the Local Planning Authority. The development shall be maintained in accordance with the approved report.

Reason: To ensure a SuDS drainage system has been provided to an acceptable standard to the reduce risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015).

25. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a noise management plan has been submitted and approved in writing by the local planning authority. This should include but not be limited to, hours of operation, management responsibilities during all operating hours, measures to control noise from all activities and operations at the site (including the operation of any equipment plant, or building services) and minimising noise from vehicles, deliveries and servicing. The noise management plan

shall be regularly reviewed to ensure that it takes account of current operational practices at the site. Where any activities or operations that give rise to concerns of impact to local amenity are received by the operator or the Local Planning Authority the noise management plan shall be reviewed. Any changes to the noise management plan necessary to address these concerns shall be implemented to the satisfaction of the Local Planning Authority. The development hereby permitted shall thereafter be operated in accordance with the approved details.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

26. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport and in accordance with Policy 40 of the Horsham District Planning Framework (2015) and SNP13 of the Southwater Neighbourhood Plan (2021).

27. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a Delivery, Collection & Service Management Plan and Parking Management, which includes details of the types of vehicles, how deliveries and collections will take place and the frequency of deliveries has been submitted to and approved in writing by the Local Planning Authority. All deliveries and collections shall thereafter be carried out in accordance with the approved plan.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, and in the interests of highway network capacity in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015) and Policies SNP13 and SNP4 of the Southwater Neighbourhood Plan (2021).

28. **Regulatory Condition** No internally and/or externally located plant, machinery equipment or building services plant 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. 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 safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

29. **Regulatory Condition:** No works for 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 the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

30. **Regulatory Condition:** All works shall be executed in full accordance with the submitted Arboricultural Impact Assessment/Method Statement [ ARBORICULTURAL IMPACT ASSESSMENT Version V1 by Seed 04 February 2022 Ref 1316-AIA-V1-B].

Reason: To ensure the successful and satisfactory protection of important trees, shrubs and hedges on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015) and SNP8 and SNP16 of the Southwater Neighbourhood PLAN (2021)

31. **Regulatory Condition:** The development hereby permitted shall be undertaken in strict accordance with the ecological mitigation and enhancement measures set out in the PRELIMINARY ECOLOGICAL APPRAISAL by phlorum 11/11/2021 REV 1 10790; BAT SURVEY Report 11/11/2021 Rev 1 by Phlorum Limited; and BADGER SURVEY REPORT 11/11/2021 Rev1 by Phlorum Limited.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

32. **Regulatory Condition:** No works of construction, fabrication, repair, servicing or maintenance shall be undertaken at any time in the open air.

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

33. **Regulatory Condition:** No dispatch or receipt of deliveries shall take place from the site except between 07:00hrs– 22.00hrs Monday – Saturday, and between 09:00 – 18:00hrs on Sundays, Bank Holidays or Public Holidays.

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

34. **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 with Classes E(g)(iii), B2 or B8 use only and for no other purposes whatsoever (and for no other purposes falling with Class E other than E(g)(iii) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) 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 179 and 180 of the National Planning Policy Framework (2021), 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:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order), no externally located plant or equipment other than that approved under condition imposed on this decision notice shall be installed or operated without the prior written approval of the Local Planning Authority by way of formal application.

Reason: To safeguard the amenities of the adjacent properties affected and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

36. **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 no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

37. **Regulatory condition:** No part of the building or the 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 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

38. **Regulatory:** The building hereby approved shall achieve a minimum BREEAM Rating of 'Very Good'.

- a) No development above slab level shall commence until a Design Stage Certificate for the building (prepared by a Building Research Establishment qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with the above.
- b) Within 6 months of occupation of the building, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Building Research Establishment qualified Assessor) to demonstrate full compliance with the BREEAM Rating of 'Very Good' for that specific building.

Reason: In the interests of mitigation of the impacts of Climate change, minimising carbon dioxide emissions, sustainable design and construction, renewable energy, and water use and supplies in accordance with Policies 35, 36, and 37 of the Horsham District Planning Framework (2015).

39. **Regulatory Condition:** Following first occupation of each building of the development hereby approved, no mezzanine or additional floor levels shall be constructed within any building without express planning consent from the Local Planning Authority first being obtained.

Reason: To ensure the traffic generation from the site is sustainable having regard to the car park facilities within the wider development to ensure no overspill parking into surrounding roads to accord with Policies 40 & 41 of the Horsham District Planning Framework (2015) and SNP4 of the Southwater Neighbourhood Plan (2021) 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 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

40. **Regulatory Condition:** No externally located storage of any materials or waste shall occur except within the areas shown on the approved plans or otherwise agreed by local planning authority in discharge of a condition attached to this decision notice without the prior approval in writing of the Local Planning Authority.

Reason: To safeguard the amenities of the locality in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

41. **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order) no development falling within Classes F, G, H and J of Part 7 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage(s) of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity to protect the character and amenities of the area in accordance with Policy 33 of the Horsham District Planning Framework (2015); to ensure the traffic generation from the site is sustainable having regard the car park facilities within the wider development to ensure no overspill parking into surrounding roads to accord with Policies 40 & 41 of the Horsham District Planning Framework (2015) and SNP4 of the Southwater Neighbourhood Plan (2021); 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 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

42. **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking 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).