



# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North  
**BY:** Head of Development and Building Control  
**DATE:** 1<sup>st</sup> August 2023

**DEVELOPMENT:** Demolition of existing building and the erection of 3no buildings to provide flexible industrial and storage and distribution floorspace (Use Class B2/B8) and ancillary office floorspace, with associated hard and soft landscaping, car and cycle parking, supporting infrastructure and retention of existing attenuation pond.

**SITE:** RSPCA Headquarters, Oakhurst Business Park, Wilberforce Way, Southwater, Horsham, West Sussex, RH13 9RS

**WARD:** Southwater North

**APPLICATION:** DC/22/2077

**APPLICANT:** **Name:** Legal and General **Address:** c/o agent

**REASON FOR INCLUSION ON THE AGENDA:** More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

By request of Councillors Greening and Vickers

**RECOMMENDATION:** To approve planning permission subject to appropriate conditions and the completion of a Section 106 Legal Agreement. In the event that the legal agreement is not completed within four months of the decision of this Committee, the Director of Place be authorised to refuse permission on the grounds of failure to secure the obligations necessary to make the development acceptable in planning terms.

## **1. THE PURPOSE OF THIS REPORT**

1.1 To consider the planning application.

### DESCRIPTION OF THE APPLICATION

1.2 The proposal is to demolish the existing office building and construct three separate buildings to form commercial units under Use Class B2 (general industrial) and Use Class B8 (storage and distribution). The three buildings would be split into seven units totalling 9,144sqm. The northern half of the site would comprise six units across two buildings where the car park currently exists. The southern half would comprise a third larger building, replacing the existing office building. Each building would benefit from ancillary

office space as a mezzanine, except for one unit which will not have any ancillary office space.

- 1.3 The existing access point from Wilberforce Way would be retained as the only access into the site. The site would be divided by one internal estate road that would provide access to the northern and southern parcels. The buildings would each be provided with allocated car and cycle parking, including disabled bays and electric vehicle charging points. The total number of car parking bays would be 94, including 9 disabled bays and 24 bays with active EV charge points. Passive charging would be provided to all remaining parking bays to enable future connection. Refuse storage and cycle shelters are provided for the units. The scheme proposes 24 hour usage of the units.
- 1.4 The buildings are proposed in a modern design in predominantly grey and black cladding with pitched roofs set behind parapets to a maximum height of 12.45m. The buildings would include an aluminium curtain walling system which results in large areas of fenestration. The buildings all face towards internal loading / car park areas which run through the centre of the site. Landscaping is proposed around the buildings with the remodelling of the existing pond to the southern part of the site. The scheme includes noise attenuation fencing within the site and to the southern section.

## DESCRIPTION OF THE SITE

- 1.5 The application site comprises Wilberforce House located towards the eastern side of the Oakhurst Business Park, Southwater, and includes its associated area of car parking. Wilberforce House was approved in January 2000 pursuant to planning permission ref: SQ/46/99 and is a large modern office building constructed to four storeys, with the main part of the building being three-storeys in height. The building is occupied by the RSPCA. At present, it operates at low occupancy due to the shift in working practices. The RSPCA terminated their lease earlier in 2022 and are actively searching for a smaller, town centre office.
- 1.6 The application site is located within the defined built-up area boundary for Southwater and within the Oakhurst Business Park. The commercial premises opposite the site on Wilberforce Way are designated as a Key Employment Area within the Horsham District Planning Framework (2015). This site does not fall within the same Key Employment Area, but is instead categorised as an Existing Employment Site.
- 1.7 The site is not subject of any formal ecological and/or landscape designation. A number of mature trees are located within the site, and within its well-landscaped fringes. The site is not directly subject of a heritage designation, however there is a Grade II Listed Building at Nye's Cottage located approximately 50m to the south of the site on Southwater Street with two additional listed buildings over 100m to the southwest of the site. The site is adjacent to the A24 to the east and other commercial properties within Oakhurst Business Park to the west. The site includes two trees to the southern boundary protected by Tree Preservation Orders (TPO/1425).

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### 2.2 RELEVANT PLANNING POLICIES

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

- 2.3 **National Planning Policy Framework**

## 2.4 **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 25 - Strategic Policy: The Natural Environment and Landscape Character  
Policy 26 - Strategic Policy: Countryside 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 36 - Strategic Policy: Appropriate Energy Use  
Policy 37 - Sustainable Construction  
Policy 38 - Strategic Policy: Flooding  
Policy 39 - Strategic Policy: Infrastructure Provision  
Policy 40 - Sustainable Transport  
Policy 41 - Parking

## 2.5 **Supplementary Planning Guidance:**

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

## 2.6 **Parish Design Statement:** Southwater Parish Design Statement

## 2.7 **Planning Advice Notes:**

Biodiversity and Green Infrastructure

## 2.8 RELEVANT NEIGHBOURHOOD PLAN

### **Southwater Neighbourhood Plan (June 2021)**

SNP1 – Core Principles  
SNP4 – Keeping Our Roads Moving  
SNP13 – Enhancing Our Non-Motorised Transport Routes  
SNP14 – Adequate Provision of Car Parking  
SNP15 – Driving in the 21st Century  
SNP16 – Design  
SNP17 – Site Levels  
SNP18 – A Treed Landscape  
SNP21 – A Growing Economy

## 2.9 PLANNING HISTORY AND RELEVANT APPLICATIONS

SQ/46/99	Erection of 8346 sq metres offices, access, roads, parking and landscaping	Application Permitted on 10.01.2000
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## 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 Arboriculturist:** Comment.  
Condition recommended requiring the submission of an arboricultural method statement in order to protect existing trees to be retained (including the two TPOs on site).
- 3.3 **HDC Drainage Officer:** No objection  
No overall objections subject to drainage conditions.
- 3.4 **HDC Ecology:** No objection subject to conditions.
- 3.5 **HDC Economic Development:** Support.  
The proposal will introduce more good quality, modern commercial floorspace into the District, providing opportunities for new and existing businesses.
- 3.6 **HDC Environmental Health:** No objection subject to conditions:  
[summary] Due to the unknown pattern of activity associated with the development of this nature and the low background levels in our District, Environmental Health do not typically support unfettered 24-hour use for applications of this nature which introduces 24 hour commercial operations in close proximity to residential development. Given that there is a residential property located approximately 100m from the proposed delivery and dispatch yard to Unit 300, we do have some concerns on the impact on residential amenity. The imposition of suitably worded planning conditions will help to control noise levels so if officers are minded to approve this application we would recommend the below conditions:
- Submission of a noise management plan prior to any use of the units.
  - Submission of a noise mitigation scheme to protect adjacent dwellings from noise emanating from the premises prior to development commencing.
  - No plant or machinery to be operated until an assessment of the acoustic impact arising from the operation has been submitted for approval.
  - Works to cease on site if contamination, not previously identified, is found on site and a further remediation strategy is to be submitted for approval.
- 3.7 **HDC Heritage:** No objection. The Heritage Officer's initial concerns regarding the impact on the setting of the adjacent listed building were withdrawn with the submission of additional information.
- 3.8 **HDC Landscape:** Support subject to conditions.

## OUTSIDE AGENCIES

- 3.9 **Active Travel England:** No comment to make  
No comment to make on this consultation as its statutory consultee remit applies only to qualifying consultations that were made valid by the local planning authority on or after 1st June 2023.
- 3.10 **Natural England:** No objection  
No objection subject to securing the delivery, management and maintenance of the measures identified in the Water Neutrality Report.
- 3.11 **Southern Water:** Comment.  
The proposal may require the diversion of a public sewer. This must be done at the applicants expense under statutory provisions. A condition is recommended requiring full details of surface water run off and proposed means of foul sewerage to be submitted for approval to ensure the disposal can be accommodated by the existing network.

3.12 **WSCC Highways:** No objection.

- WSCC suggest a Traffic Regulation Order to sections of Blakes Farm Road near the site to limit HGV parking on this road. This is to be secured in a legal agreement.
- With the additional information provided, WSCC are satisfied that the number of vehicle movements (including HGVs) will not have a significant impact on the local road network.
- The proposed number of parking spaces is considered appropriate. The applicant has provided information to show that parking for both classes (Class B2 and B8) can be accommodated for. There should also not be a need for an overspill parking as enough parking is provided on site.
- From a highway safety perspective, the use of the site for 24 hour is acceptable.
- The use of the site for HGVs is acceptable. This would require the widening of the existing access.

3.13 **WSCC Fire & Rescue:** Comment.

Conditions recommended requiring details of fire hydrants to be provided on site.

PUBLIC CONSULTATIONS

3.14 **Southwater Parish Council:** Strongly Object on the following grounds:

- In principle it is apparent that a change in use of this site is inevitable and given what is happening elsewhere, to small business units and large logistics units. The problem with the latter is that they generate a large amount of HGV traffic which it appears that it is not in the remit of the highway authority to comment. In general terms the basics of the site accord with industry norms in terms of loading bays/docks and vehicle turning etc. The number of bays may change as tenant's requirements are considered, but these are unlikely to change the basic layout.
- The 24 hour use of the site would lead to unacceptable impacts in terms of noise and HGV movements. If approved, these hours would spread to other units.
- The increased use of HGV for this proposal would result in highway safety issues.
- The proposal is lacking in parking and loading spaces for the proposed units.

3.15 **10** objections have been received (from 9 addresses) to the proposal on the following grounds:

- The 24 hour working hours proposed is not acceptable. This is an area backing into a quiet residential area. There is already noise disturbance from the existing commercial uses. This would set a precedent for 24 hour uses for the other Oakhurst Business Park units. Other units have been refused 24 hour usage.
- The proposal leads to overdevelopment and would result in more traffic. There is no pavement on Blakes Farm Road so pedestrians are at risk here.

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

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**

- 6.1 The main considerations in the determination of this proposal are as follows:

- Principle of development
- Design and appearance
- Heritage impact
- Landscape impact
- Impact on residential amenity
- Highways impact
- Drainage
- Ecology and water neutrality
- Climate change

### **Principle of Development:**

- 6.2 Policy 7 of the HDPF sets out the overarching strategic economic growth and development policy of the development plan. This policy seeks to promote sustainable economic and employment growth by allocating sufficient land to accommodate high quality employment floorspace, retaining existing key-employment areas and by promoting the redevelopment, regeneration, intensification and smart growth of existing employment sites.
- 6.4 Policy 9 of the HDPF seeks to protect viable existing businesses in order to protect employment opportunity whilst enabling the appropriate redevelopment of sites where it can be demonstrated that the site/premises is no needed and/or viable for employment use.
- 6.5 Policy SNP21 of the Southwater Neighbourhood Plan (SNP) states that outside Key Employment Areas and Parish Employment Areas, small scale business units are supported where they are in accordance with the development plan. In the accompanying text to Policy SNP21 (paragraph 9.5), Oakhurst Business Park (inclusive of the RSCPA headquarters) is identified as one of the two business parks within the Parish. Paragraph 9.5 of the SNP comments on the quality of good connections to the Business Park including from the highway network, to south coast ports and Gatwick Airport. The site, however, is not allocated as a 'Parish Employment Area'.
- 6.6 Oakhurst Business Park is identified as a 'Key Employment Area' within the HDPF, however the RSPCA site is not included within this designation, instead being classified as an 'Existing Employment Site'.
- 6.7 HDPF Policies 7 and 9 promote the appropriate redevelopment, regeneration, intensification and smart growth of existing employment sites. Whilst the proposal would result in the loss of an office building (formerly Use Class B1a, now Use Class E), it would retain the employment use of the site as B2 and B8 floorspace. It is considered, therefore, that there is an in-principle basis upon which the redevelopment of the site for continued employment use, albeit in Class B2 and B8 use rather than Class E office use, can be supported.
- 6.8 The existing office building present within the site is modern dating to 1990. At present, it operates at low occupancy due to the shift in working practices, with out-of-centre office locations stated to be no longer appropriate for RSCPA staff compared to pre-Covid

pandemic. The RSPCA terminated their lease earlier in 2022 and are actively searching for a smaller, town centre office. It is stated that they have capacity at existing sites in the interim to accommodate their staff.

- 6.9 To address the loss of the office accommodation, the applicant has submitted a Marketing Report which sets out the marketing undertaken for the suitability of this site for continued office use. This also addresses concerns that the demolition of this relatively modern building to make way for replacement commercial buildings is an environmentally unsustainable form of development.
- 6.10 The Marketing Report states that Carter Jonas were appointed by the vendor to seek to re-let or sell the Wilberforce House site, depending on market demand. Carter Jonas reviewed office demand, and the layout/configuration of the building and concluded the building had to be relet as a whole, with subletting on a floor-by-floor basis not possible due to the building's configuration (built bespoke for the RSPCA). The office was on the market during 2021/2022 and during that time (over 12 months) no office use enquiries were received. Out of the 12 bids received in that period, none intended on retaining the existing office building.
- 6.11 The lack of interest in office use is partly attributed to the significant programme of works required to upgrade the building into a Grade A condition for offices. Given these costs, the report states that this would create a significant hurdle to overcome in matching the rental for office accommodation in this area. The report therefore concludes that it is unviable to upgrade the existing building for Grade A office use.
- 6.12 The Council's Economic Development officer has commented that, whilst there are some concerns over the loss of general office space and the drop in the number of proposed employees, this proposal is supported in providing new industrial and warehouse buildings (with ancillary office space), noting that there is currently a lack of supply of modern fit for use commercial sites in the District, both in terms of meeting the needs of smaller and larger businesses.
- 6.13 Priority 1 of the HDC Economic Strategy states the importance of ensuring businesses have the confidence to invest in Horsham District as an economic location. The championing of strategic sites and new commercial developments will be critical in achieving inward investment from companies outside of the District. Investment in such sites will support the offer the District has for businesses and this is furthered in Priority 2 (Enterprise), which seeks to ensure our businesses become more productive and resilient to support long term growth. The provision of commercial floorspace will provide businesses the opportunity to expand and further their growth.
- 6.14 Overall, the Economic Development team supports this application as the development supports multiple points on the Local Plan and Economic Strategies. It will introduce more good quality, modern commercial floorspace into the District, providing opportunities for new and existing businesses, and having the potential to build on the number of local job opportunities available.
- 6.15 As a brownfield site within an existing industrial estate, this is an appropriate site for employment uses. As such, the application accords with Policy 7 of the HDPF as the proposal supports employment development on an existing employment site. With the submission of the marketing, the proposal also accords with Policy 9 of the HDPF which requires redevelopment of employment sites and premises outside Key Employment Areas to demonstrate that the site is no longer needed and/or viable for employment use. In this instance, the marketing report addressed the continuing use of the site for office use and concludes that this is unviable. Alternative employment uses are therefore considered appropriate for this site within the business park.

- 6.16 The proposal would also accord with Southwater Neighbourhood Plan Policy SNP21 in that the proposal would provide small scale business units which would be appropriate for Oakhurst Business Park. The principle of the proposal is therefore considered appropriate.

**Design and appearance:**

- 6.17 Policies 32 and 33 of the HDPF require development to be of a high standard of design and layout. Development proposals must be locally distinctive in character and respect the character of their surroundings. Southwater Neighbourhood Plan policy SNP16 seeks to ensure that all development is of a high-quality design, seeking to promote the use of locally sourced materials, a variety of complementary vernaculars and the adoption of 'secure-by-design' principles.
- 6.18 The site would be laid out with three separate flat roofed buildings all set facing inwardly into the site over car parking and loading areas. Two buildings are sited to the northern part of the site with a larger building to the south western part of the site. The buildings would all include parapet roofs and would be modern in design, completed in predominantly grey and black cladding with lighter cladding proposed to the upper parts of the units. The buildings would include an aluminium curtain walling system which results in large areas of fenestration that are attractive additions.
- 6.19 In the context of Oakhurst Business, the design of buildings is considered representative of modern industrial/logistics development and broadly consistent with existing facilities within the wider business park. The indicated use of glazed entrances with louvres together with varied material types and colours provides articulation add visual interest to the proposed buildings.
- 6.20 The site benefits from well-established landscaped boundaries, which significantly restrict the visibility of the site from surrounding roads/vantages. The three buildings and parking / loading areas are shown set within the site away from the boundaries. This allows existing trees and hedgerows to be retained around the site. New landscaping is also proposed around the perimeter of the site. Having regard to the design of the proposal, in the context of Oakhurst Business Park, the scheme is considered appropriate in terms of its appearance and is in accordance with the above policies.

**Heritage impact**

- 6.21 Section 66 of the Town and Country (Listed Buildings and Conservation Areas) Act 1990 provides a statutory requirement for decision makers to have special regard to the desirability of preserving a listed building or its setting. Policy 34 of the HDPF also states that heritage assets are an irreplaceable resource which require preserving.
- 6.22 Paragraph 202 of the NPPF state that '*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use*'. This paragraph is key when determining whether the changes proposed within the setting of any listed building would be acceptable.
- 6.23 There are three heritage assets to the south of this site. Nye's Cottage and Wellers Farm, both Grade II Listed Buildings, are situated on the other side of Southwater Street, approximately 180m and 240m from the centre of the site respectively. Blakes Farmhouse is situated further south. A Built Heritage Statement has been submitted with the application. The statement considers that the settings of all three identified heritage assets make a low to moderate contribution to their significance and that the site makes no contribution to these settings. Therefore, any urbanising effects of this proposal would not affect these assets.



- 6.24 The Council's Senior Conservation Officer commented that he agreed that the visual impact will not be harmful based on the distance between the proposal site and the listed buildings in the vicinity. However, the officer commented that there was a concern that other factors, such as artificial light, noise, vibration and perception of activity, could have a negative impact within the setting of the listed buildings. In response, an addendum was submitted by the agents to address this concern.
- 6.25 The addendum states that the site is currently in commercial use, which does not include any controls over lighting or vehicle movements. The Built Heritage Statement and addendum demonstrate that the proposals, which include extensive embedded mitigation measures, will not harm the significance of these heritage assets, or the ability to experience and appreciate that significance. Consideration has been given to the design of the proposals, which include embedded mitigation in the form of a considered lighting strategy, movements strategy, noise mitigation and landscaping to reduce any potential impacts to the setting and significance of the heritage assets. Taking into the above, the Council's Conservation Officer has withdrawn their concerns, subject to the environmental impact of the proposals being considered appropriate by the HDC Environmental Health Team. As outlined below, the Council's Environmental Health officer has commented that they have no objections to this proposal, subject to conditions. It is therefore considered that the concerns of the Heritage Officer have been addressed.

#### **Landscape Impact:**

- 6.26 The submission includes a Landscape Design Statement to address the landscape impact of this proposal. The statement outlines that a large focus for this scheme has been on the protection and retention of the mature existing boundary vegetation and trees in order to mitigate views to and from the development site. Where required, gaps within the existing vegetation are proposed to be planted predominantly with native species to aid habitat creation, biodiversity and ecology within the site.
- 6.27 The statement outlines that a significant proportion of the planting will be native, including tree, thicket, and hedgerow and wildflower/species rich grassland to extend and integrate the surrounding landscape character and species distribution into the site. At all available & suitable locations, standard tree & heavy planting will be carried out to aid mitigation of existing trees to be removed internally within the development site. Where a higher level of amenity is required, ornamental species are included around the building envelope and within prominent locations throughout the car park and adjacent to footpaths.
- 6.28 The submitted Arboricultural Report identifies thirty seven individual trees and thirty two groups of trees on the site as existing. The accompanying tree survey states that the trees on site are typically of low quality. The northern portion of the site is occupied by a car park containing numerous trees that are located between the walkways, roads and parking spaces and are bordered by a hedgerow and multiple groups of trees. The southern portion of the site is occupied by the headquarters building with an ornamental garden containing a large pond to the south. The garden is bordered by a group of predominantly self-seeded trees which run round the boundary of the site. This garden area includes the highest quality specimens on site (4 trees) and also features some Japanese Alder trees and some cut leaved Alder trees which are uncommon specimens.
- 6.29 The Council's Arboricultural Officer has commented that the current site landscaping principally relates to the planting associated with the turn of the century planning approval for the creation of the business park. The maturity of the landscaping reflects the 20+ years growth and provides pleasant verdant buffers to the site boundaries with good tree establishment within the main parking areas. The Council's Arboricultural Officer notes that a significant portion of the internal soft landscaping and the buffer along the north-west boundary will require removal to achieve the submitted design. The Council's Arboricultural Officer also advises that the two mature oak trees south of the current balancing pond

(subject of TPO no. 1425) are the only more mature landscape features on the site, and that these are unaffected by the proposed re-configuration/re-contouring of the pond and could be safely retained with appropriate rooting area protection.

- 6.30 The proposed development would result in the loss of 23 individual trees and 19 groups of trees. The trees to be removed are predominantly within the site set away from the boundaries, although a cluster of trees close to the western site boundary are to be removed. The proposal however retains the trees around the northern, southern and eastern perimeter of the site, including the two TPOs to the southern boundary, and introduces some 58 new trees mainly around the northern and western site perimeter. The submitted landscape plan indicates that some 32 of these trees will be extra heavy standards allowing for an early impact.
- 6.31 The extent of new tree planting proposed within the interior of the site is compromised by the more industrial layout proposed with large parking and HGV turning areas. The Arboricultural Officer therefore recommends that increased internal tree planting be considered with a specially engineered hardstanding to accommodate viable rooting volumes commensurate with small/medium sized trees in maturity. This can be secured through a condition requiring further details of landscaping to be submitted for approval.
- 6.32 The Council's Landscape Consultant has commented that the proposed re-development of this site would be indistinguishable from development that exists elsewhere within the Business Park. Therefore, the proposal would not have a significant adverse impact on the character of the immediate area. It is also considered that due to the site's location, 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. As such, the Landscape Consultant does not object to this application subject to recommended conditions requiring details of hard surfaces, soft planting and a Landscape Management Plan to be submitted for approval.
- 6.33 Policy SNP18 of the SNP states that '*major development must provide a minimum of one new tree (conforming to British Standard BS 3936-1 / Standard 8-10cm girth) per 40m<sup>2</sup> of floor space created. This should be provided on-site or off-site within the Plan Area if there is nowhere suitable within the site. Measures will be implemented on any permissions granted to secure these trees and their survival. If these trees cannot be provided on site, and the applicant is unable to deliver the trees at an alternative location within the Plan Area, a commuted sum may be paid in lieu of tree planting.*'
- 6.34 In calculating the requirements of the policy, the existing floorspace can be deducted from the floorspace total when working out the number of trees required under Policy SNP18. In this instance the proposal results in a net 780sqm GIA of new floorspace. This takes into account the floor area of the existing building. This results in the need for the provision of 20 additional trees to accord with the policy requirement of one new tree per 40sqm of floorspace created. The details regarding the trees to be provided off site and the contribution required would be secured through a legal agreement, in the event that permission is granted.
- 6.35 Having regard to the comments of the Council's Arboricultural Officer, the proposal is considered appropriate in terms of the loss of trees and the addition of new trees largely to the site perimeter, subject to a condition requiring details of landscaping to include additional tree planting within the interior of the site.

#### **Impact on Residential Amenity:**

- 6.36 Policy 24 of the HDPF requires development to minimise the emission of pollutants, including noise, odour, air and lighting pollution, ensuring that development is appropriate

to its location and with regard to anticipated impacts upon human health and the wider environment.

- 6.37 The RSPCA site is part of the Oakhurst Business Park, as such, it is appropriate for this site to be used for alternative employment uses. The site is positioned to the south east of the business park north of the Volvo Construction Equipment site. Residential properties are to the south of the business park at Southwater Street. The nearest residential property is at Nye's Cottage to the south to the opposite side of Southwater Street at a separation of approximately 37m at its nearest point. To the west of the site is the A24 and to the north are residential properties at Martindales, separated by a tree filled buffer area and a distance of approximately 112m. Two further employment units sit between the site and the properties at Martindales, as recently constructed under planning permission DC/19/0123.
- 6.38 The three proposed buildings are to be set back from the boundaries of the site, with the southernmost building separated from the southern boundary by a landscaped area with an attenuation pond. Given the distance between the proposed buildings and existing residential properties, this development would not result in an impact on the amenity of any adjacent properties in terms of overlooking, an increased sense of enclosure or loss of light.
- 6.39 The existing use of the site as offices does not result in any noise nuisance for any adjacent properties. However, this proposal would result in the use of the site for general industrial use and warehousing including parking and loading / unloading areas. The applicants have proposed no restrictions on the hours of use of the proposed units and therefore this proposal has the potential increase noise disturbance for nearby residential properties, especially in the evenings and overnight if used 24 hours a day.
- 6.40 Southwater Parish have commented that the 24 hour use proposed is unacceptable, advising that existing units within the business park operate within normal hours in the daytime. The parish state that over the years there have been many attempts to extend these hours with a minor success in the case of Charwood House (Nursing Hygiene) who have obtained permission to work inside their unit so long as all roller shutters are closed (DC/15/2871). This was until the developer of Site C, the two units at the north end of the site, appealed on this issue and won significant changes to 07.00 to 20.00 Monday to Friday plus 07.00 to 18.00 on Saturdays with no work on Sundays and Bank Holidays. It should be noted that the consent to this involves a sound-reducing barrier to the on-site vehicle route where it faces houses.
- 6.41 Two recent applications (refs: DC/21/0087 and DC/21/1607) have been made to extend/remove restrictions placed upon logistics and industrial units opposite the site to the north on Wilberforce Way approved pursuant to ref: DC/19/0123. Both applications were refused on the basis of acoustic impact to the detriment of the living conditions of nearby occupiers, and with concern raised within numerous representations regarding the extension into night-time hours in particular. It should be noted that in a recent appeal decision the inspector raised no objection to an amendment to condition 25 of DC/21/1607 to allow for a further two hours opening Monday - Friday, (07:00 – 20:00) and 5 hours on Saturday (07:00 – 18:00). The parish are nevertheless concerned that allowing this application will set a precedent for other units to also apply for 24 hour use.
- 6.42 Whilst the comments of the parish and residents are noted, each application must be assessed on its own merits. In the case of the above examples, the sites in question were both located at the northern and southern parts of the business park, in much closer proximity to residential properties. For the current proposal, the residential houses on Southwater Street are, with the exception of Nye's Cottage, set a significant distance (approximately 135m elevation to elevation) from the application site and separated both by an open space buffer and a separate employment site in between.

- 6.43 To address the potential noise impact, the agents have submitted a Noise Assessment. The assessment outlines that the dominant noise on site is from road traffic, including some on the local road but also traffic on the A24. There is also noise heard from the construction site on the other side of Wilberforce Way which included bangs and reversing alarms. The operational noise levels associated with the proposed development have been assessed using a combination of long-term noise monitoring data and modelling predictions using a noise propagation model. Both the monitoring and assessment have been undertaken in line with the relevant British Standards, guidance documents and policy. To address potential noise impact from the proposed development, noise mitigation measures are proposed which include noise attenuation barriers, mainly to the south eastern side of the site. The Assessment concludes that mitigation designed using properly placed noise barriers, which will reduce the noise rating levels to less than 5 dB above the background sound levels at all noise sensitive receptors, will be appropriate. The noise rating levels at all but one receptor will be less than the background sound levels.
- 6.44 With the benefit of additional information and discussion, the Council's Environmental Health officer has commented that the proposed 24 hour use is appropriate subject to conditions. The recommended conditions include the submission of a noise management plan. This would include details of 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, to be reviewed annually to ensure that it takes account of current operational practices at the site. The Environmental Health officer has also recommended a condition requiring further details of a noise mitigation scheme to be submitted for approval. This scheme shall include full details of the acoustic fencing proposed, including that along the southern boundary of the site, and details on acoustic louvres over the delivery/dispatch areas.
- 6.45 Having regard to the measures proposed and the location of this site set away from nearby residential properties within an existing employment site, and the noise mitigation measures proposed, the potential noise impacts of the proposed uses operating 24 hours a day are considered appropriate and the scheme is considered in accordance with the above policy. This takes into account the potential impact on the nearest property at Nye's Cottage. The Parish Council's concerns that 24 hour operations in this location are noted and have been carefully considered in light of the extensive history of applications for extended hours of operation within the wider business park. Given the particular circumstances set out above, which do not apply to the other units within the business park, it is not considered that a precedent would be set for the 24 hour use of the other units given their closer proximity to residential property.

**Highways impact:**

- 6.46 Policy 40 of the HDPF states that transport access and ease of movement is a key factor in the performance of the local economy. Policy 40 of the HDPF seeks to promote a modal-shift away from the use of the private vehicle, recognising that the need to develop sustainable means of travel is vital to improve development across the District. Section 7, and policy SNP13, of the Southwater Neighbourhood Plan discuss the need to improve non-motorised routes and connectivity within Southwater.
- 6.47 The office building is situated within the southern area of the site with a car park covering the northern part of the site which provides 337 spaces accessed from Wilberforce Way. The existing parking ratio is therefore 1 space per 25 sqm floorspace. The site has a priority junction access from Wilberforce Way which provides a single point of access accommodating all vehicle movements, including servicing and delivery vehicles. The access has footways on both sides leading into the site and dropped kerbs and tactile paving on Wilberforce Way. Wilberforce Way provides access to the site from Blakes Farm

Road and is a single carriageway road with a width of c. 6.5 metres, which accommodates HGV and light vehicle movements for a number of surrounding industrial units. It connects to Blakes Farm Road at its northern end.

- 6.48 The site layout has been designed to accommodate HGV traffic and separate pedestrians from vehicle movements. The access road is 7.3m in width which is appropriate for accommodating all vehicle movements. The access road routes through the centre of the site dividing it into two sections. The northern section of the site contains unit 110, unit 120, unit 130, unit 140, unit 220 and unit 210. A total of 49 car parking spaces would be provided within this section. An HGV turning area is located at the northern extent of the service yard. The southern section of the site would serve proposed unit 300 and associated service yard and 42 car parking spaces. In relation to HGVs, the site is situated within an existing employment area which already accommodates HGV movements appropriately. All HGV movements to and from the site travel to and from the A24 via Blakes Farm Road and Worthing Road to the north, routing north or south on the A24 from the Hop Oast Roundabout.
- 6.49 24 active charging spaces will be provided across the site for electric vehicle charging (26% of the total number of B8 spaces). In relation to cycle parking, the proposed site layout shows 52 cycle parking spaces provided in five locations throughout the site, three of the locations can accommodate 10 cycles in secure and covered shelters (five Sheffield Stands in each).
- 6.50 West Sussex County Highways (WSCC) have raised no objection to the proposal having assessed the trip generation generated by this development and the proposed Travel Plan. The Travel Plan outlines measures to actively promote alternative means of travel other than the car.
- 6.51 As raised in the comments from the parish and residents, HGV parking on Blakes Farm Road is an existing issue. Blakes Farm Road has a minimum width of 7.3m and is straight with good forward visibility. There are no enforceable parking restrictions to stop parking in this location. WSCC have commented that to address this issue, the Council could ask for enforceable parking restrictions to keep this route free from obstruction if it is likely to cause further impacts on the existing situation. In response, the applicant has offered a contribution towards the implementation of a traffic regulation order to resolve this issue. This would legally restrict the use of certain parts of Blakes Farm Road for parking. A contribution to cover fee of £8,322 for costs of amending the TRO would be secured via the legal agreement. A separate application would have to be submitted to WSCC in order to amend the TRO.
- 6.52 Overall, the highways impact of the proposal is considered appropriate and the objectives of the above policies have been met.

**Drainage:**

- 6.53 The site is located within Flood Zone 1, meaning a less than 1 in 1000 annual probability of river or sea flooding which is the lowest classification of fluvial flood risk. The application includes a Flood Risk & Drainage Strategy Note to determine the potential flood risks associated with the site to provide a suitable strategy for the disposal of surface and foul water from the proposed development.
- 6.54 The report has found the site to be at 'low risk' from all sources of flooding; tidal, fluvial, pluvial, sewer, groundwater and artificial sources. The surface drainage strategy is to restrict the proposed flow rate to a peak 11l/s to ensure that the flood risk to the site and surrounding catchment is reduced post development. The Sustainable Drainage Systems (SuDS) hierarchy has been considered in the drainage strategy. Due to the cohesive underlying strata and high-water table, with the surface water runoff collected from the

impermeable areas and directed via the underground network to a geocellular tank located beneath the central parking and access area, plus a pond to the south of the main unit before connecting into the Southern Water surface water sewer in Wilberforce Way via an existing connection at restricted greenfield rates. The existing site is largely fully impermeable and so the proposed strategy provides a reduction in predevelopment discharge rates. Permeable paving is proposed to the parking areas. The Council's Drainage Officer has commented there are no overall objections to the surface water drainage strategy proposed subject to the imposition of suitable drainage conditions requiring further details in consultation with Southern Water Services.

### **Ecology:**

- 6.55 Policy 31 of the HDPF seeks to protect the natural environment and green infrastructure of the District. HDPF policy 31 confirms that protected habitats and species will be protected against inappropriate development while development resulting in the loss of green infrastructure will be resisted unless new opportunities to mitigate and/or compensate for loss are provided.
- 6.56 The application includes an Ecological Impact Assessment relating to the likely impacts of development on designated sites, protected & Priority species and habitats, and identification of proportionate mitigation. The scheme includes biodiversity enhancements including bird and bat boxes and invertebrate houses, as outlined within the Ecological Impact Assessment. A Biodiversity Net Gain Assessment concludes that would be an overall loss of 9.79% to habitat units and a gain of 51.42% of hedgerow units. The Assessment recommends that compensatory habitat is created offsite in order to achieve a net gain in biodiversity, which would be secured by s106 agreement. The applicant has commented that they are in discussion with the Parish regarding the implementation of BNG improvements to sites.
- 6.57 With the benefit of additional information which has been submitted in relation to dormice habitats and bats, the Council's Ecologist has commented that the proposal is acceptable subject to conditions. Subject to conditions the proposal will not result in harm to ecology in accordance with Policy 31 and NPPF 180.

### **Water Neutrality**

- 6.58 Horsham District is situated in an area of serious water stress, as identified by the Environment Agency. In September 2021, Natural England released a Position Statement which advised all local authorities within the Sussex North Water Supply Zone that it cannot be concluded that existing water abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites near Pulborough. The Position Statement advises the affected local authorities that developments within the Sussex North Supply Zone must not therefore add to this impact, and to achieve this, all proposals must demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.
- 6.59 In assessing the impact of development on protected habitat sites such as those in the Arun Valley, decision makers must, as the competent authority for determining impact on such sites, ensure full compliance with the Conservation of Habitats and Species Regulations 2017 (known as the Habitats Regulations). The Regulations require that a Habitats Regulations Assessment (HRA) be carried out to determine if a plan or project may affect the protected features of a habitats site, before the grant of any planning permission. Section 70(3) of the Regulations requires that planning permission must not be granted unless the competent authority (Horsham District Council) is satisfied that the proposed development will not adversely affect the integrity of the affected habitats site. Section 63 of the Regulations sets out the process by which an HRA must take place.

- 6.60 The requirements of Section 70(3) are reflected in paragraph 180 of the NPPF, which states that *'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'*.
- 6.61 The application site falls within the Sussex North Water Supply Zone which draws its water supply from groundwater abstraction at Hardham (near Pulborough), adjacent to the Arun Valley sites. The water abstraction issues raised by the Natural England Position Statement are therefore material planning considerations relevant to the proposal. Given the requirements of the Habitat Regulations and paragraph 180 of the NPPF, adverse impact on the integrity of the Arun Valley sites must be given great weight in decision making.
- 6.62 In order to demonstrate that no adverse impact will occur at the Arun Valley sites, all new development within the supply zone that is likely to increase water consumption (such as additional housing units) must demonstrate water neutrality, i.e., that water consumption from the site when occupied will not increase water abstraction in the Arun Valley. Until a wider offsetting strategy is developed to address this issue, all new development must demonstrate that it can be water neutral in its own right.
- 6.63 In support of the application, a Water Neutrality Statement has been submitted setting out the existing and proposed water consumption at the site. A water bill from December 2021 to March 2022 has been provided showing water consumption of 466m<sup>3</sup> for the period, which equates to 1,864m<sup>3</sup> per year. The applicants point out that this covers the Covid period and as such is unreliable as it does not reflect the normal occupancy rate for the building.
- 6.64 A separate bill covering the pre-Covid period September 2019 to December 2019 arrives at an annualised water consumption of 3,288m<sup>3</sup>. As an alternative, and for comparative purposes, the applicants have calculated the likely water consumption of the building based on BREEAM occupancy rates for offices (350 persons in this case) and an average water consumption rate for offices of 40 litres/person/day. The usage is based on Chartered Institution of Building Services Engineers design guide of 40 litres/person/day for an office building. This arrives at a similar consumption figure of 3,542m<sup>3</sup> per year. The existing baseline water consumption of 3,288m<sup>3</sup> is therefore considered to be robustly evidenced.
- 6.65 The proposed development is being constructed to include the water saving measures to meet BREEAM excellent requirements. This includes restricted water flow taps, low flushing volume toilet cisterns, solenoid shut off valves to isolate water supplies to all toilet areas unless they are occupied, and leak detection to the incoming mains water service. These water saving measures result in a water usage of 22.69 litres/person/day for the proposed buildings.
- 6.66 The water neutrality statement calculates that the total water consumption from the proposed development would be 1,747m<sup>3</sup> per year. This is though based on BREEAM occupancy rates for B8 warehouse with associated first floor office space (circa 210 employees), and does not factor in the alternative B2 occupancy of the buildings as also applied for. When applying OffPAT B2 occupancy rates to the B8 floorspace, officers calculate that the development would employ circa 315 persons consuming circa 2,600m<sup>3</sup> per year. These calculations are based on operations 365 days per year.
- 6.67 In summary therefore, the proposed water consumption based on BREEAM occupancy rates and the proposed efficiencies to deliver 22.69 l/p/day consumption would in its worst case result in mains water consumption of some 2,600m<sup>3</sup> per year. This is some 688m<sup>3</sup> below the previous water usage from the site when occupied as offices. If occupied only as

B8 storage uses, the proposed water consumption drops to 1,747m<sup>3</sup>, 1,541m<sup>3</sup> below the existing evidenced water consumption from the site.

- 6.68 Factoring in all of the above the appellants state that the proposed development is estimated to have a water saving 1,794m<sup>3</sup> per year, or 50.7% when compared to the existing building. By officers calculation using the existing consumption of 3,288m<sup>3</sup> as the baseline, the saving is less at between 688m<sup>3</sup> and 1541m<sup>3</sup> depending on the mix of B2 and B8 uses occupying the units. Nevertheless, the various calculations demonstrate that the proposed development is water neutral.
- 6.69 As per the requirements of s63 of the Habitat Regulations, the Council has consulted Natural England as the relevant statutory body when undertaking an appropriate assessment of the proposals. Having considered the Council's appropriate assessment, Natural England concurs with the conclusion that the development would be water neutral. In accordance with the requirements of the Habitats Regulations an appropriate assessment has been completed which concludes that subject to securing the above mitigation, the development proposals would not result in an adverse impact on the integrity of the Arun Valley sites, in accordance with Policy 31 of the HDPF and paragraph 180 of the NPPF.

### **Climate Change and Sustainability**

- 6.70 Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change. The Planning statement details several measures which seek to build resilience to climate change and reduce carbon emissions, including:
- Provision of low and zero carbon technologies. This includes roof mounted solar panels and air source heat pumps.
  - Placement of the proposal in sustainable location.
  - Making efficient use of available land.
  - Opportunities for biodiversity net gain.
  - Inclusion of landscaping within the site.
  - Dedicated refuse and recycling storage capacity.
  - Provision of dedicated cycle parking facilities.
  - Provision of electric vehicle charging points.
- 6.71 Subject to the implementation of these measures the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

### **Air Quality:**

- 6.72 The application site is not located within or close to either of the district's defined Air Quality Management Areas (AQMAs). An Air Quality Assessment (AQA) was submitted with the application with shows that the air quality impacts associated with the proposed development are at worst negligible on the modelled human receptors. The impacts are therefore considered to be 'not significant.' The key air quality consideration during the construction phase of development is dust emissions emanating from demolition, earthworks and construction. It is considered that mitigation in the form of a Construction Management Plan to include measures to reduce dust emissions (such as dust monitoring, dust suppression/screening etc) could reasonably be secured by condition.



6.73 The AQA outlines that a ‘damage costs’ assessment has been completed in line with Sussex Air (2021) document. Damage costs are a simple way to value changes in air pollution. Subject to the inclusion of a condition to secure mitigation measures for air quality (such as further ev charging parking bays), as well as a condition to secure a Construction Environmental Management Plan (CEMP) as set out in the Air Quality Assessment report, it is considered that the proposal would not further reduce air quality in the local area, in accordance with Policy 24 of the HDPF and Paragraph 186 of the NPPF.

**Conclusion:**

6.74 It is considered that the retention of the office building has been shown to be unviable and that the proposed development would provide appropriate alternative employment use for this existing allocated employment site within Oakhurst Business Park. The proposal is considered appropriate in relation to design and its appearance in the context of the surrounding area and subject to conditions would not result in a harmful impact on the amenities of any adjacent properties. The proposal is also considered appropriate in terms of its ecological impacts and drainage / flooding, demonstrates water neutrality, and no highway objections have been raised. The proposal overall accords with the requirements of the HDPF and Southwater Neighbourhood Plan.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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
Commercial units	9,144sqm	8,364sqm	780sqm
		<b>Total Gain</b>	<b>780sqm</b>
		<b>Total Demolition</b>	<b>8,364sqm</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**

- 7.1 To approve planning permission, subject to the conditions set out below and a legal agreement to secure the following:
- Details to secure 20 trees to be provided within the parish.
  - Secure a contribution to apply a Traffic Regulation Order to regulate the parking on Blakes Farm Road.
  - Details to secure off-site improvements for biodiversity net gain

Conditions:

1. **Plans Condition.**

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 any works of demolition, shall commence for any phase or unit 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;
  - ii. Details of how residents will be advised of site management contact details and responsibilities;
  - iii. Detailed site logistics arrangements (to include details shown on a plan), 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 (to include details shown on a plan);
  - v. The method of access to and from the construction site;
  - vi. The arrangements for public consultation and liaison prior to and during the demolition and construction works – newsletters, fliers etc;
  - vii. Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination;
  - viii. Locations and details for the provision of wheel washing facilities and dust suppression facilities (to include details shown on a plan).
  - ix. Details of measures to reduce impacts on biodiversity features.

The demolition and 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).

4. **Pre-Commencement Condition:** No development shall commence unless the Local Planning Authority has been provided with either:
- a) a licence issued by Natural England, in relation to Hazel Dormice, pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
  - b) a statement in writing from the Natural England, in relation to Hazel Dormice, to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

5. **Pre-Commencement Condition:** No development shall commence unless the Local Planning Authority has been provided with either:
- a) a licence issued by Natural England, in relation to bats, pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
  - b) evidence of site registration supplied by an individual registered to use a Bat Mitigation Class Licence; or

- c) a statement in writing from the Natural England, in relation to bats, to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

6. **Pre-Commencement Condition:** No development shall commence for any phase or unit 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 for any phase or unit, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until an Arboricultural Method Statement detailing all trees/hedgerows on site and adjacent to the site to be retained during construction works, and measures to provide for their protection throughout all construction works, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and thereafter carried out at all times strictly in accordance with the agreed details.

Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees or hedging plants of a type, size and in positions agreed by the Local Planning Authority.

Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

8. **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level shall commence for any phase or unit until a noise mitigation scheme for protecting nearby dwellings from noise emanating from the development hereby approved has been submitted to and approved in writing by the local planning authority. The approved scheme shall include, but not necessarily be limited to, detail on acoustic fencing along the southern boundary of the site and detail on acoustic louvres over the delivery/dispatch areas. The scheme shall be implemented prior to the first use/occupation of the site and be permanently maintained thereafter.

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

9. **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 Biodiversity Enhancement Strategy has been submitted to and approved by the Local Planning Authority. The content of 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) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to any works above slab level and shall be retained in that manner thereafter.

Reason: 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).

10. **Pre-Occupation Condition:** The development of any phase or unit hereby permitted shall be undertaken in full accordance with the Water Neutrality Statement. No unit 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 unit has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, evidence they meet the required water consumption flow rates. 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).

11. **Pre-Occupation Condition:** Notwithstanding the submitted plan, no unit hereby permitted shall not be 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, and additional tree planting within the central service areas
- Details of all hard surfacing materials and finishes
- Details of all boundary treatments

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).

12. **Pre-Occupation Condition:** No unit hereby permitted shall be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of a minimum 30 megabits per second through full fibre broadband connection has been provided to the premises.

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

13. **Pre-Occupation Condition:** No unit hereby permitted shall be occupied until a scheme of air quality mitigation has been 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. The approved scheme shall be installed prior to first occupation of the development and shall thereafter remain as such.

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).

14. **Pre-Occupation Condition:** No unit hereby permitted shall be occupied until a noise management plan for that unit 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 implemented to the satisfaction of the Local Planning Authority. The use 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 Polices 33 and 40 of the Horsham District Planning Framework (2015).

15. **Pre-Occupation Condition:** No unit hereby permitted shall be occupied until a landscape management and maintenance plan (including long term design objectives, management responsibilities, a description of landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility) for all communal landscape areas has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of ongoing ecological management. The landscape areas shall thereafter be managed and maintained in accordance with the approved details.

Reason: To ensure a satisfactory development and in the interests of visual amenity and nature conservation in accordance with Policy 33 of the Horsham District Planning Framework (2015).

16. **Pre-Occupation Condition:** No unit hereby permitted shall be occupied until fire hydrants to BS750 standards or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) has been installed, connected to a water supply with appropriate pressure and volume for firefighting, and made ready for use in consultation with the WSCC Fire and Rescue Service. The hydrant or stored water supply shall thereafter be retained as such.

Reason: In accordance with fire and safety regulations in accordance with Policy 33 of the Horsham District Planning Framework (2015).

17. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the electrical vehicle charging points has been provided in accordance with the approved scheme shown on drawing 0203 P07. The charging points shall thereafter remain as such.

Reason: To provide electric vehicle car charging space for the use in accordance with Policies 35 and 41 of the Horsham District Planning Framework (2015) and the WSCC Parking Standards (2019).

18. **Pre-Occupation Condition:** No unit hereby permitted shall be occupied shall be occupied until the Applicant has implemented the measures incorporated within the approved travel

plan. The Applicant shall thereafter monitor, report and subsequently revise the travel plan as specified within the approved document.

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

19. **Pre-Occupation Condition:** No unit shall be occupied until provision for the storage of refuse/recycling bins for that unit has been provided in accordance with the approved details and retained as such thereafter. Once provided the refuse/recycling bins shall be retained thereafter.

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 unit shall be occupied until the approved cycle stores for that unit have been provided in accordance with the approved details. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies in accordance with Policies 40 and 41 of the Horsham District Planning Framework.

21. **Pre-occupation 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).

22. **Pre-occupation Condition:** No unit hereby permitted shall be occupied 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.

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

23. **Regulatory Condition:** No construction 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).

24. **Regulatory Condition:** No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

25. **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or the Use Class Order 1997 (as amended) (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).

26. **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 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 in accordance with Policies 7, 9 and 33 of the Horsham District Planning Framework (2015).