

**Report following a request for further information, negotiations or consultation**

<b>REF NO:</b>	AL/87/21/PL
<b>LOCATION:</b>	Oldlands Farm Newlands Road Bognor Regis
<b>PROPOSAL:</b>	Erection of a warehouse (Use Class B8) with ancillary office, associated vehicle parking, van storage, plant, ancillary structures, lighting landscaping and infrastructure works including earthworks to facilitate flood compensation area. This site may affect listed buildings, may affect the character & appearance of the Shripney Conservation Area, is a Departure from the Development Plan, affects a Right of way & is in CIL Zone SP3 (Zero Rated) as other development.

The application was deferred by Members of the Planning Committee on the 27th April 2022 for the following reasons:

1. Further clarification in respect of the developments impacts upon the capacity of the access roundabout and to secure confirmation of how the financial contributions will be spent to mitigate the impact of development upon the operation of the access roundabout; and
2. Whilst not a formal reason for deferral Members also requested that any update on drainage and flooding was reported.

1. The Transport Assessment submitted in support of the application identified that the proposed development in conjunction with previously consented development would not operate over capacity. These conclusions were supported by WSCC as Local Highway Authority.

However, the impacts of development upon the operation of the A29/A259 Felpham Relief Road roundabout was considered through the Enterprise Bognor Regis Transport Review 2017. This study was based on the 2031 development scenario which includes Enterprise Bognor Regis as well as Arun Local Plan developments.

The study in respect of this junction concludes that a significant level of mitigation is required which would include the widening of the arms of the roundabout; widening of the circulatory to accommodate additional lanes; and removal of Salt Box / Rowan Park access. Based on the modelling the mitigation measures successfully remove all sever impacts except for those identified for the Oldlands Farm access during the PM peak. Whilst, this does not affect the operation of the adjacent highways network, further mitigation will need to be identified to ensure the satisfactory operation of the site access in the 2031 Development Scenario.

Given the conclusions of the Enterprise Bognor Regis Transport Review 2017 in respect of the operation of this junction it is considered that the financial contribution should be directed towards the mitigation for the A29/A259 Relief Road roundabout. Currently there is no detailed design for this mitigation scheme but financial contributions of £65,000 were secured from Salt Box towards this junction. Further contributions will need to be secured as further development comes forward.

Therefore, the proposed contribution of £75,480 should be directed towards the A29/A259 Felpham Road roundabout in order to mitigate the cumulative impacts of the proposed development alongside future developments.

2. A verbal update will be provided on the latest drainage position.

## REPORT UPDATE

Application No: AL/87/21/PL

### Reason for the Update / Changes

Reason for Update/Changes:

Transport Summary submitted by applicants:

The applicants have provided a high level summary of the transport impacts in the submitted Transport Assessment. This includes an additional breakdown of the vehicle types during the am and pm peak. There would be 58 cars, 168 LGVs and 2 HGVs in the am peak and 79 cars, 168 LGVs and 0 HGVs in the pm peak. The LGVs would depart the site in the am peak and return in the pm peak. The summary confirms that the highways impact on the site access roundabout would not be severe and represents an increase of 2.4% in the am peak and 3.5% in the pm peak. The agreed contribution of £75,480 would provide any further capacity enhancements at this junction. A contribution of £22,973 has been agreed to mitigate the impact on the A27.

Officers Comments:

Transport Summary submitted by applicants:

The additional high level summary of transport impacts does not require any changes to the report or recommendations.

Drainage update:

The hydrodynamic flood modelling and drainage details are close to being finalised but the LPA has not been provided with any revised plans as at 26th April 2022. The recommendation has been amended to impose a 3 month time limit for the receipt of satisfactory drainage plans and documents to give a cut off point for moving to part (b) of the recommendation (i.e. the imposition of pre-commencement conditions for drainage).

Note: The changes to recommendation show under Officers Recommendation at the end of the attached report.

Officers Recommendation:

### RECOMMENDATION:

That delegated authority is granted to the Group Head of Planning (in consultation with the Chair and Vice Chair of Planning Committee) to:

- a. approve planning permission subject to conditions;
- b. subject to a Section 106 Agreement, the terms of which are substantially in accordance with those set out in this report with any minor amendments being authorized by the Group Head of Planning

### FOLLOWING EITHER:

- a) receipt of drainage plans/ documents, deemed to be acceptable by ADC Engineers, which will be included in the list of approved plans and in conditions requiring compliance with the plans/ documents, within three months from 27th April 2022 OR
- b) receipt of written confirmation by the applicant to the imposition of the standard pre-commencement

drainage conditions (as set out in this report or any alternative wording agreed by both the applicant and Local Planning Authority).

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

PLANNING APPLICATION REPORT

REF NO:	AL/87/21/PL
LOCATION:	Oldlands Farm Newlands Road Bognor Regis PO22 9FJ
PROPOSAL:	Erection of a warehouse (Use Class B8) with ancillary office, associated vehicle parking, van storage, plant, ancillary structures, lighting landscaping and infrastructure works including earthworks to facilitate flood compensation area. This site may affect listed buildings, may affect the character & appearance of the Shripney Conservation Area, is a Departure from the Development Plan, affects a Right of way & is in CIL Zone SP3 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>Planning permission is sought for erection of a warehouse (Use Class B8) with ancillary office, associated vehicle parking, van storage, plant, ancillary structures, lighting, landscaping and infrastructure works including earthworks to facilitate a flood compensation area.</p> <p>The proposed facility will be a storage and distribution warehouse (B8) of 11,412 m2 (GIA) with ground floor warehouse and offices on a mezzanine floor providing last mile logistics operation which involves vans distributing pre-picked and packed goods for home delivery to the surrounding area. The proposal includes a van storage facility providing overnight parking for 512 delivery vans. Parking is proposed for 193 no. car parking spaces (including 9 disabled spaces - 4no. with electric charging points) and 62 no. electric vehicle charging points. The proposed unit is served by a service yard which includes 8no. dock levellers for HGV deliveries and a waste collection area. The site is accessed from an existing estate road. The proposal would retain the 4 no. existing trees within the site and provide a new pond adjacent to the realigned public right of way. The flood compensation area to the north of the Bognor Relief Road is proposed to be utilised for spoil distribution and increased flood compensation. The proposed distribution centre building has a ridge height of 15.9m and the van storage building height (at the top of the stair tower) is 16.3 m. A 2.4m green paladin security fence is</p>
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	proposed around the van deck and HGV yards.
SITE AREA	21.33 hectares.
	Distribution Centre site area = 7.05 ha Flood Compensation Site Area = 14.28 ha
TOPOGRAPHY	Predominantly flat.
TREES	There are 5 trees protected by a Tree Preservation Order (TPO/BE/2/19) in the north west of the south parcel of land that forms part of the application site.
SITE CHARACTERISTICS	The application site comprises two parcels of land, one immediately north of the A259 Bognor Relief Road and one immediately south of this road. The parcel of land to the north is arable farmland and the parcel to the south comprises overgrown farmland. In the south east of the site there is an attenuation pond. There are hedges and mature trees at the site boundaries. There is a public footpath (footpath Aldingbourne 152-1) in the southern parcel of land that forms the application site. This footpath from part of the route connecting Shripney to Bognor Regis.
CHARACTER OF LOCALITY	The character of the locality is mixed - industrial, commercial and farmland. To the north of the application site is farmland beyond which is a cluster of houses and farm buildings. To the south are two warehouse units which comprise Rolls Royce Technology and Logistics Centre and a Lidl supermarket. To the east immediately bordering the site is the Great Western Railway line which runs north to south beyond which is more farmland. To the west of the site is the village of Shripney and A29.

RELEVANT SITE HISTORY		
AL/44/18/RES	Application for all reserved matters following outline consent AL/58/15/OUT (Hybrid Appplication) for up to 20,453 sqm of B2 general industrial floorspace together with B8 warehousing & distribution floorspace (as amended by subsequent Variation of Conditions 11, 12 & 37).	ApproveConditionally 13-12-18
BE/114/17/PL	Variation of conditions 4-quantum of floorspace, 43-number of non food bulky goods units & 47-sale of goods imposed under BE/61/13/ (outline).	ApproveConditionally 14-02-18
BE/4/17/RES	Approval of reserved matters following outline consent BE/61/13/ (Hybrid application Part 2) for appearance, landscaping, layout & scale together with the discharge of conditon 5 for indicative masterplan & 6 for parameter	ApproveConditionally 21-03-17

plan & design code.

AL/58/15/OUT	Hybrid Application 1: Full planning application for earth works to facilitate flood compensation area & 2-Outline application (all matters reserved) for up to 20,453 sq m of B2 General Industrial Floorspace together with B8 warehousing & distribution floorspace.	App Cond with S106 20-04-16
BE/73/14/PL	Erection of 2 No. detached industrial/distribution units (B1(c)/B2/B8) including access & servicing arrangements, car parking, landscaping & associated flood compensation area. This application is a departure from the development plan. This application also lies within the parish of Aldingbourne	ApproveConditionally 28-08-14
BE/61/13/	HYBRID APPLICATION. 1: Full planning application for Access and road and Flood compensation area. 2: Outline application for 33116 sq m of mixed commercial and industrial uses, comprising A1, A3, A5, B1, B2and B8, with associated works and landscaping.	ApproveConditionally 19-03-14

No comments on planning history.

REPRESENTATIONS

- ALDINGBOURNE PARISH COUNCIL
- The development would be within 50m of a Biodiversity Corridor as shown in the ANDP.
  - The application does not demonstrate whether there is an impact on bat species due to the lack of survey data provided in the application (EH1, EH2 and EH12).
  - Shripney Conservation Area will be adversely affected (EH9).
  - Impact on dark skies character of the area (EH10)
  - The site is also a flood plain and development will not be supported (EH5).

- Further representation received as follows: Object
- Previous concerns have not been addressed by additional information.
  - Still issues with biodiversity, EH1, EH2 and EH12 and comments by Natural England not based on local knowledge.
  - Adverse impact on Shripney Conservation Area (EH9) and dark skies character (EH10).
  - WSCC concerns on the flood plain not addressed.

- BERSTED PARISH COUNCIL
- Policy EE3 of the Bersted Neighbourhood Development Plan does not support Class B8 storage and distribution outside the employment areas in appendix G.
  - Highway safety at the roundabout on the A29 to A259 bypass Charles Purley Way has been identified

as nearing capacity, traffic movements from this development will add to this busy junction.

- Drainage issues need to be resolved with ADC and the development would be in a flood plain.

Further representation received as follows: Object

-Bersted Neighbourhood Plan policy EE3 does not support Class B8 storage and distribution outside employment areas in appendix G.

- Highway safety at roundabout with A29 - A259 bypass identified as nearing capacity, traffic will add to busy junction.

- Drainage issues need to be resolved and therefore should not be supported as development is within a flood plain.

**BOGNOR REGIS REGENERATION BOARD:**

No objection, but encourage the applicant to demonstrate greater ambition and commitment as outlined in comments below:

- Design, layout, scale and mass consistent with surrounding structures on Enterprise Bognor Regis site allocation.

- Long term landscape maintenance plan should be demonstrated.

- The Applicant should demonstrate at least a 10% biodiversity net gain.

- Existing road users (particularly pedestrians and cyclists) should be considered in the construction phase.

- To support economic activity and skills enhancement the Applicant should demonstrate how the use of local suppliers and tradespeople will be supported through construction and operation.

- The Transport Assessment states increase in trip generation would not have significant impact on the highway network, it does not appear that this would be the case and so further detail is needed from the Applicant on assessment and mitigation.

- Car sharing and EV charging are the most realistic methods of reducing the number and impact of individual car journeys.

- The local bus services mentioned in the Travel Plan are limited and only operate during daytime hours and would not meet the needs of shift workers commuting to the site.

- Provision of EV charging for the staff car parking spaces far outweighs that provided for the operational fleet which will be in constant active use on local journeys, this imbalance needs to be addressed to contribute to the achievement of net zero carbon.

- Provision of sustainable energy systems noted (EV charging points and photovoltaic arrays) but Energy and Sustainability Statement only focuses on the achievement of minimum standards.

- Preferred routes to the site across the local area should be identified and agreed as a condition of approval to minimise the impact on the local road network.

- Redirection of the PRoW (if approval is granted) should be prioritised.

- Board notes objection comments raised by Aldingbourne Parish Council against Aldingbourne Neighbourhood Plan.

- Direct creation of local employment and training opportunities.

- Indirect creation of local employment and training opportunities through use of local suppliers and tradespeople during construction and operation.

Further representation received as follows: No objection

- Revised Ecological Appraisal with 11% biodiversity net gain noted

- Transport Assessment has not been revised to address previous concerns re forecasts of trip generation and distribution do not properly reflect the current or future use of the road network in this location. Suggest new traffic surveys required to evaluate current usage.

- Note the National Highways recommendation not to determine pending further information.

- Note the objection comments raised by Bersted Parish Council and their concerns regarding class of use, traffic and drainage.

- Overall - no objection but disappointed applicant not taken the opportunity to respond to concerns raised against original submission.

3 objections to the proposal for the following reasons:

- Removal of the habitat of birds whose population is in decline.
- Proposed planting will not attract the birds given the disturbance and traffic the development will generate.
- Capacity for road safety, sewerage and water infrastructure will be out-stripped by the development.
- Light, air and noise pollution.
- Significantly more traffic onto the existing roads in breach of the Road Safety Act.
- A recent road safety assessment along a local stretch of the A29 identified a number of accident risks.
- Southern Water is already unable to adequately handle the waste water and sewerage disposal without repeated leaks into the environment.
- Increased flood risk, the run-off from the development is inappropriate.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments are noted and considered in the conclusions.

CONSULTATIONS

**CONSULTATION RESPONSES RECEIVED:**

ADC GREENSPACE: No Objection

- Landscape planting plans amended to clarify semi-mature trees.
- Submitted Landscape and Visual Impact Assessment (LVIA) informs the proposals.
- The green wall on the van deck will be required to be maintained so 95% is live at all times and replacement undertaken in order to sustain Net Gains.
- Biodiversity Net Gains now shown as 11%.
- Ecological Appraisal now submitted.
- Landscape Management Plan - tree and shrub replacements to establishment must be an intrinsic part of maintenance regime and for Biodiversity Net Gain figures to be met.

**CONSERVATION OFFICER**

- Acknowledged that site is within allocated employment area and large scale development has taken place nearby and Saltbox development is between the site and the conservation area, leading to no visibility between the site and the Conservation Area.
- The proposal will not harm the significance of the Shripney Conservation Area.
- There may be some impact on the immediate landscape including Sack Lane to the north.
- On balance, subject to appropriate planting and landscaping the proposal is acceptable.

Updated response:

- No further comments to make.

**CONSERVATION AREA ADVISORY PANEL:**

- Objection, due to negative impact on views and on the local landscape.

**SOUTHERN WATER**

- The supporting documents make reference to SuDS. SuDS may be adoptable by Southern Water, where they may not be adopted the Applicant need to make provision for long-term maintenance.
- If the Applicant proposes to offer a new on-site drainage and pumping station for adoption as part of the

foul / surface water public sewerage system, this has to be designed and constructed to the specification of Southern Water Services Ltd.

- Land uses such as general hardstanding that may be subject to oil / petrol spillages should be drained by means of appropriate oil trap gullies or petrol oil interceptors.
- An informative is recommended relating to submission of details of the proposed foul water and surface water disposal should the application be approved.

#### **WSCC FIRE AND RESCUE SERVICE**

- A condition is recommended relating to the location and installation of fire hydrants.

Further response:

- Satisfied that the location of the fire hydrants and access to the site shown on the plan meet requirements.

#### **ARCHAEOLOGY ADVISER**

- Agree with the summary and conclusions of the archaeological desk based assessment.
  - Recommend condition with respect to the implementation of a programme of archaeological work in accordance with a written scheme of investigation.
  - Trial trenching being carried out on site in accordance with agreed Written Scheme of Investigation. Report will need to be submitted and reviewed to determine next steps and whether condition is required.
- Further response: Archaeological Evaluation Report received has demonstrated extremely limited potential for features or deposits of interest, no reason for any further mitigation measures.

#### **ECONOMIC DEVELOPMENT**

- We would wish to see an Employment Skills Plan in place that is carefully monitored.
- We would like to see opportunities for local companies to be included within the supply chain for the construction and beyond.

#### **NATURAL ENGLAND**

- No objection. The proposed development will not have significant adverse impacts on designated sites.
- Agree with conclusion of habitat assessment that it no longer consists of Priority habitat coastal and floodplain grazing marsh but is poor semi-improved grassland, cultivated/disturbed ground and bare ground.
- General guidance in relation to Construction Code of Practice for Sustainable Use of Soils on Construction sites should be followed.

#### **SUSSEX POLICE (DESIGNING OUT CRIME OFFICER)**

- Advises a number of measures to reduce the opportunity for crime and fear of crime.

#### **ENVIRONMENTAL HEALTH**

- Submitted Dust Management Plan and Emissions Mitigation Plan have been reviewed and are reliable and should be conditioned to ensure compliance. Condition required to secure electric vehicle charging points. Satisfied with the Construction Environmental Management Plan.

#### **ENVIRONMENT AGENCY**

- A condition is recommended relating to the development being carried out in accordance with the submitted flood risk assessment and its mitigation measures.

#### **NETWORK RAIL**

- Network Rail requests the Applicant / Developer engages with Network Rails Asset Protection and Optimisation (ASPRO) Team prior to works commencing. This allows the ASPRO Team to review the proposal and ensure that the works can be carried out without any risk to the operational railway.
- Several informatives recommended to the Applicant / Developer relating to: works being carried out



near the railway; future maintenance; plant and machinery; drainage; scaffolding; piling; fencing; lighting; noise and vibration; vehicle incursion; landscaping; existing rights; and property rights.

#### WSSC PUBLIC RIGHTS OF WAY

- A legal PRoW diversion order is required because it is proposed to build directly on the legal line of footpath 152.
- Several points of advice provided to the Applicant.

#### ARBORICULTURAL OFFICER

- No Objection subject to conditions
- Confirmation required that drainage features are outside Root Protection Areas (+2m buffer zone)
- Arboricultural Method Statement and a Tree Protection Plan have been submitted and reviewed and are acceptable.

#### NATIONAL HIGHWAYS

Initial response:

- Holding response - Further information is required before an informed decision can be made as to the impacts on the strategic road network.
- Applicant to provide details of expected shift patterns and corresponding staff requirements.
- Applicant to provide details of a Trip Rate Information Computer System (TRICS) Assessment for a B8 warehouse / parcel delivery facility using the latest version of TRICS software package.
- Applicant to provide details of the Census Journey to Work calculations and gravity modelling exercise used to assign employee and delivery trips to the highway network. TA para. 4.4 suggests the deliveries will be made to the "local area". Information regarding what constitutes the "local area" should be provided to assist in assessing SRN impacts.
- With regard to the Travel Plan it is considered that the general structure, aims, objectives, measures, monitoring regime and action plan are all considered appropriate. It is recommended that the implementation of the Travel Plan is made a condition of any consent granted. Highways England will provide suggested wording.

Updated response:

- Holding response - Updated Transport Assessment hasn't addressed the concerns previously raised. Unable to view and review the Construction Environment Management Plan (CEMP). LPA advised not to determine, other than refusal, until required information received and assessed.

Further response: No Objection

- Additional impacts on A27 junctions (A27 Bognor Road roundabout, A27/ A29 Fontwell Avenue Roundabout, A27 Nyton Road junction) are over capacity and additional impacts need mitigation to 'nil detriment' scenario.
- Mitigation expected to involve minor kerb realignments and widening to the original schemes.
- On the basis that National Highways receive written confirmation that the planning authority will collect a contribution towards the agreed Local Plan A27 highway mitigations for the following junctions: A27 Bognor Road roundabout (£17,733), A27/ A29 Fontwell Avenue Roundabout (£4,000) and A27 Nyton Road junction (£1,240). Contributions based on the additional number of trips predicted at each junction.

#### ECOLOGY ADVISER

- Satisfied with the mitigation measures for bats, require at least one bat box to be installed, secured via a condition. Water voles - recommend a precautionary approach using a condition. Nesting birds - advice re works outside bird breeding season. Skylarks - pre-commencement check secures via a condition. Reptile mitigation suitable, secure via condition. Hedgehog mitigation advice provided and secure nesting box. Badger mitigation suitable, secure via a condition. Biodiversity Net Gain achievable on site, recommended additional enhancements including log piles, gaps to allow small mammals to move across the site and on hedgehog box on site.

Additional comments: The inclusion of a 10m buffer around ditch 7 would ensure that the area would be protected, along with fencing during construction period and a full mitigation strategy for water voles if any works required in the area.

#### **WSSC HIGHWAYS AUTHORITY**

Initial response:

- No objection to the proposal subject to conditions relating to car parking space, construction management and a travel plan.
- Access is as already constructed and there are no recorded Road Traffic Collisions as a result of junction design.
- Sustainable access has been improved through the Saltbox and Lidl developments. Travel Plan will be required, secured through a condition.
- Capacity increases over the 2018 consent are minimal and would not result in 'severe' residual increase onto the network.
- Update will be provided on any likely contribution towards A29 improvements.
- 193 parking spaces should be 2.4 x 4.8m and 3.3 x 4.8 for disabled spaces. 23 cycle parking spaces will be provided.
- Swept path analysis shows large lorries and vans can safely manoeuvre within the site.

Updated response:

Proposed development will contribute to the cumulative impact on the operation of the A29/BNRR and A29/Steyping Way roundabouts when combined with traffic generated by the revisions. Previous scheme (AL/58/15) agreed contribution of £50,000. Proportionate contribution from this scheme equates to £75,480. Satisfied with proposed CEMP subject to adhering with site deliveries outside peak traffic times, deliveries kept to allotted time slots, all loaded vehicles must be sheeted, consultation with PROW department on any deviation of the footway, ensure designated walkways on and around the site.

#### **ADC DRAINAGE ENGINEERS**

Initial response:

- As the site lies partly in the functional floodplain evidence should be supplied to support the appropriateness of the development with Flood Zone 3b.
- More certainty is required regarding the infilling of existing ditches - not limited to volume but habitat impacts.
- Recommendation of comparison to made of pre- and post- (with mitigation) numerical modelling - this should take into account culverting, the service road and culverts beneath it.
- Recommendation for consultation with Network Rail previous proposals did not show a ditch in close proximity and parallel to the railway embankment.
- Confirmation of correct modelling values.
- It was noted that greenfield run-off rates exceed rates for the 1 in 1 year return period.
- Confirmation that Qbar has been used for volume control considerations.
- Lack of hydraulic locking (tide locking) result (a conflict of assumption/ observation was noted in the application).
- The submitted flood risk assessment (FRA) incorrectly that the Lead Local Flood Authority (LLFA) (West Sussex County Council) has a responsibility for maintaining the ditches - this needs amending.
- At this stage the drainage engineer is unable to support the application.

Updated response:

- Further analytical work required to definitively show that the site is located outside of the functional floodplain and is compliant with the NPPF.
- Uncertainty remains about existing drainage assets on site - recommend that a site visit and submission of detailed modelling could be secured through a condition.
- Accepted that Ecological Appraisal has covered the habitat impact point.
- Recommend that hydrodynamic modelling undertaken to confirm the overall impacts, based on current



standards, rather than reliance on previously agreed scheme.

- As discussions with Network Rail have not been concluded, this could result in amendments to the scheme.
- Recommend planning condition to ensure that the detailed design uses the appropriate methodology to determine volume of storage required on site.
- Amended calculations required for greenfield run-off rates
- Hydraulic locking model results point addressed sufficiently for planning stage.

WSSC LEAD LOCAL FLOOD AUTHORITY

- Low surface water flood risk. Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk of flooding.
- The area proposed for development is at high risk of groundwater flooding.
- Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around or across the site. If present these should be maintained and highlighted on future plans. Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.
- There are records of surface water flooding within the site. The development site is linked to the Lidsey Rife which outfalls into the sea at Felpham. This outfall, twice a day, becomes tide locked resulting in the local rife network backing up and flooding the floodplain during very wet periods.
- The Drainage Strategy included with this application proposes that attenuation measures would be used to control the surface water runoff from the site.
- The LLFA agree with the recommendations and requests for further information from the Herrington Consulting report, which has been commissioned by Arun District Council.
- The EA and Network Rail should be consulted with regards to flood risk associated with this site.

COMMENTS ON CONSULTATION RESPONSES:

Comments are noted.

POLICY CONTEXT

Designation applicable to site:

- The southern parcel of land that forms the application site is within the Built-up Area Boundary (Policy SD SP2)
- The site is a Strategic Employment Land Allocation (Policy EMP SP3)

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
EMPSP1	EMP SP1 Strategic Economic Growth
EMPSP2	EMP SP2 Economic Growth Areas
EMPSP3	EMP SP3 Strategic Employment Land Allocations
EMPDM2	EMP DM2 Enterprise Bognor Regis
EMPDM1	EMP DM1 Employment Land: Development Management
SKILLSSP	SKILLS SP1 Employment and Skills
1	
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality

ENVSP1	ENV SP1 Natural Environment
ENVDM3	ENV DM3 Biodiversity Opportunity Areas
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
QEDM4	QE DM4 Contaminated Land
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
HERSP1	HER SP1 The Historic Environment
HERDM6	HER DM6 Sites of Archaeological Interest

[Aldingbourne Neighbourhood Plan 2019-31 Policy EE1](#) Supporting existing employment and retail

Aldingbourne Neighbourhood Plan 2019-31 Policy EE3 Support for new commercial uses

Aldingbourne Neighbourhood Plan 2019-31 Policy EE9 Sustainable commercial and employment buildings

Aldingbourne Neighbourhood Plan 2019-31 Policy EH2 Green infrastructure and eco systems.

Aldingbourne Neighbourhood Plan 2019-31 Policy GA1 Promoting sustainable movement

Aldingbourne Neighbourhood Plan 2019-31 Policy EH12 Protection of bat habitats

Aldingbourne Neighbourhood Plan 2019-31 Policy GA2 Footpath and cycle path network

Aldingbourne Neighbourhood Plan 2019-31 Policy GA3 Parking and new developments

Aldingbourne Neighbourhood Plan 2019-31 Policy H9 Attention to detail

Aldingbourne Neighbourhood Plan 2019-31 Policy EH1 Built up area boundary

Aldingbourne Neighbourhood Plan 2019-31 Policy EH2 2019 Protection of bat habitation

Aldingbourne Neighbourhood Plan 2019-31 Policy EH5 Surface water management

Aldingbourne Neighbourhood Plan 2019-31 Policy EH10 'Unlit Village' status

SUPPLEMENTARY POLICY GUIDANCE:

SPD11      Arun Parking Standards 2020

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The site lies mainly within the Parish of Aldingbourne, therefore the Made Aldingbourne Neighbourhood Development Plan (2019-2031) is part of the development plan for this site. A small part of the site (comprising part of the internal access road) is within Bersted Parish therefore the Bersted Neighbourhood Plan is also part of the development plan for this site.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to be a departure from the development plan. The local planning authority may depart from development plan policy where material considerations indicate that the plan should not be followed.

In this instance the proposal would be a departure from Arun Local Plan 2011-2031 Policy SD SP2 Built-up Area Boundary and Policy EMP SP3 Strategic Employment Land Allocation. Policy SD SP2 requires that "Development should be focussed within the Built Up Area Boundaries and will be permitted subject to consideration against other policies of this Local Plan". Policy EMP SP3 identifies the Strategic Employment Land Allocations which are shown on the Policies Map.

The application site comprises two parcels of land one immediately to the north of the A259 Felpham Relief Road and the other immediately south of it. The parcel of land south of the A259 is part of a Strategic Employment Land Allocation (Site No. 3 Oldland's Farm, Policy EMP SP3) and is within the Built Up Area Boundary and is proposed to be developed for employment purposes in accordance with Policy EMP SP3. However, the parcel of land north of the A259 is not within the Built Up Area Boundary and is outside the Strategic Employment Land Allocation of Oldland's Farm. Nevertheless, this parcel of land forms part of the application site because earth is proposed to be excavated from this part of the site and transferred to that part of the application site south of the A259 to raise the ground level to facilitate flood compensation. It is considered that this is necessary to develop the Strategic Employment Land Allocation and is a material consideration.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
  - (a) the provisions of the development plan, so far as material to the application,
  - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
  - (b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

**OTHER MATERIAL CONSIDERATIONS**

The necessity of the flood compensation area as an integral part in ensuring the delivery of the Strategic Employment Allocation is a material consideration.

**CONCLUSIONS**

**PRINCIPLE**

The proposal is for the use of the site as a storage and distribution centre (B8), where products are delivered via small vans to customers in the local area.

Policy EMP SP3 identifies the Strategic Employment Land Allocations and emphasises the importance of these allocations in the District for providing employment and lists a number of objectives of these allocations. The application site is in part of these Strategic Employment Land Allocations - Oldland's Farm.

Policy EMP SP1 states that the Council will encourage sustainable growth of the Districts economy to meet the needs of various sectors and support the regeneration of Bognor Regis and Littlehampton. The policy gives a long list of things that will be done to encourage sustainable growth and support regeneration of these two main towns. The plan allocates circa 75 hectares of land to do this and this includes the Strategic Employment Land Allocation of Oldland's Farm. The warehouse proposal will create jobs and provide employment space which will bring new investment into the area in accordance with Policy EMP SP1.

Policy EMP DM2 Enterprise Bognor Regis sets out the detailed criteria which employment proposals are required to meet, and these are considered under the relevant sub-headings below. It should be noted there have been two previous permissions for industrial development (B2 and B8 uses) on the site in 2016 (AL/58/15/OUT) and 2018 (AL/44/18/RES) which established the principle of development on the site for industrial use.

Policy SD SP2 requires new development to be focussed within the Built Up Area Boundaries. The built form of the development is part within the Built Up Area Boundary of Bognor Regis.

The application site is not allocated for employment in the Aldingbourne Neighbourhood Plan (ANP) 2019-2031. The ANP Policy EH1 (Built up Area Boundary) does not include this site as within the BUAB and states that proposals outside the BUAB will not be supported unless each of the listed criteria are met. The relevant criteria relate to landscape character, dark night skies, built heritage, biodiversity (specifically bats), sustainable location, no unacceptable environmental, amenity or traffic implications including increased risk of groundwater flooding. These criteria are considered in the relevant sections below.

In accordance with Section 38(5) of the Planning and Compulsory Purchase Act 2004 if there is conflict between policies within the development plan the conflict should be resolved in favour of the policy contained in the last document to become part of the development plan. The ANP was made in July 2021 and therefore post-dates the Arun Local Plan and the conflict must be resolved in favour of the ANP. However, the Arun Local Plan has the responsibility for setting strategic policies, which includes the strategic employment site allocations, and Neighbourhood Plans should not undermine those strategic policies. Therefore, significant weight is afforded to the strategic employment allocation in the Arun Local Plan.



The ANP also includes employment policies applicable to this proposal and support it such as EE1 and EE3. The proposal would extend the existing employment development in accordance with EE1, and subject to complying with other policies in the Neighbourhood Plan (considered in relevant sections below), it would also comply with EE3 which supports new commercial development. Policy EE3 supporting text specifically identifies the Bognor Regis Enterprise Zone as a more appropriate location for B2 and B8 uses.

The National Planning Policy Framework (para 81) requires significant weight to be placed on the need to support economic growth. The presumption in favour of sustainable development also applies and means approving development proposals that accord with an up-to-date development plan without delay.

The proposal would enable the site to come forward for employment use, would create job opportunities at the construction stage and after at the operational stage and would contribute to economic growth. These benefits should be given great weight in accordance with the NPPF. It accords with Policies EMP SP1, EMP SP3 and SD SP2 of the Arun Local Plan. However, for the scheme to be acceptable in principle it needs to address the criteria in EMP DM2 of the Arun Local Plan and EH1 of the ANP, as well as other development plan policies. These matters are discussed below.

## **DESIGN AND LANDSCAPING**

The proposed warehouse building is of a scale that will fit with the surrounding buildings on the site, as it is similar in scale to the adjacent Rolls Royce buildings. The warehouse building is located to the east of the site, furthest from the Relief Road, with the building in line with the adjacent shed, reflecting the surrounding built form and minimising the impact of the building. The building is industrial in character with a simple form and low pitched roof. The materials include light grey and dark composite cladding panels which are an appropriate colour choice and quality of material for an industrial building in this location. The van deck is in a more prominent location on the site, therefore improvements to the north and west elevations have been secured. The initial plans showed patterned panels which did not constitute a high quality design given the gateway location of the van deck. The proposals now show a green wall to the north and west elevations of the van deck, which will provide a high quality, innovative feature and soften the appearance of the building, as well as providing biodiversity benefits.

The layout of the site has been designed to maintain the green space which includes the oak trees in the centre of the site and this will also be enhanced by new native shrub planting. The internal service road loops around this area to access the van storage. New landscaping will also be provided in the northern section of the site with native shrub planting around the proposed pond. Footpath 152 runs through the north east corner of the site and the current alignment will be impacted by the proposals. A PROW diversion application (S257 Agreement) has been submitted which proposes to divert the PROW around the new pond. The area to the west of the car park and facing the Relief Road also includes new tree and native shrub planting which will help soften the appearance of the site as it matures.

Overall, the scheme is of a high standard of design, layout and landscaping which will maximise the gateway location and is of an appropriate scale in keeping with the rest of the employment allocation in accordance with Policies D DM1 and EMP DM2 of the Arun Local Plan. The proposal has also been sensitively designed and located in accordance with EH1 (iii) of the ANP.

## **ACCESS AND HIGHWAY MATTERS**

### **Access**

Vehicular access into the main site is proposed to be taken from the existing internal access road to the south of the site which connects to the five-arm roundabout with the A29 and A259 Bognor Relief Road

and currently provides access to the Lidl supermarket and the Rolls Royce warehouses. The internal road will be extended to provide access into the site and will ensure that cars and HGVs are separated within the site to minimise conflict. The site has good connectivity to the strategic highway network via the A29 and the A259. The Local Highway Authority have reviewed accident records and are satisfied that the existing access onto the roundabout is safe in accordance with Policy T SP1 of the Arun Local Plan.

#### **Traffic**

Arun Local Plan Policies EMP DM2 (b) and T SP1 (e) require a Transport Assessment to demonstrate how impacts on the road network can be mitigated. The Transport Assessment has compared the trip generation from the previously approved outline scheme. The previous outline application (as amended) and subsequent reserved matters applications were based on a total quantum of 20,453 m<sup>2</sup> B2 and B8 floorspace combined with no more than 13,506m<sup>2</sup> B8 floorspace. The trip generation from the previously consented scheme was 131 two-way trips during the AM peak hour and 99 two-way trips during the PM peak hour. This proposal is forecast to generate 228 two-way trips in the AM peak and 247 two way trips in the PM peak hour when based on occupier specific data (an increase of 97 and 148 two way vehicle trips during AM and PM peak hours). The Transport Assessment identifies that the impact of the forecast '2031 with development' increased flow of traffic on the A29/A259/ Site Access roundabout junction would not be severe. The impact on the A29/A259/ Steyning Road roundabout and the A259 west are also assessed to be negligible with development and not severe. The Local Highway Authority has accepted the approach taken by the Transport Assessment and the findings that this impact on the network would not be severe. However, the Local Highway Authority have requested a contribution of £75,480 towards the A29 mitigation scheme based on the cumulative impact on the A29/Relief Road and A29/Steyning Way roundabouts. Subject to securing a contribution towards the A29 mitigation scheme, the scheme will mitigate the impacts on the local road network in accordance with Arun Local Plan Policies EMP DM2 (b) and T SP1 (e).

National Highways (NH) requested additional information relating to the trip generation and trip distribution in order to determine the impact of the development in the strategic road network. In relation to the further consultation response from National Highways, the contribution requested towards the listed A27 junctions is considered necessary to mitigation the impact of the development on the strategic road network. Subject to confirmation that the applicant agrees the S106 contribution towards the A27 junction improvements, the proposal is considered to comply with Arun Local Plan Policy T SP1 (e) in that it demonstrates that the transport effects of the development on the strategic road network can be satisfactorily mitigated.

#### **Sustainable Transport**

The existing site access road includes a shared footway/cycleway along both sides of the road. A footway/cycleway is provided on the western side of the A29 Shripney Road towards the south, accessed by a staggered crossing. A footway/cycleway is currently under construction to the eastern side of the A29 Shripney Road in association with the Lidl development. The site will also connect to the footway/cycleway along the southern side of the A259 towards Felpham. The site has good cycle and pedestrian access towards Bognor Regis and Felpham, which are within a reasonable cycling distance from the site (within 5km), therefore no additional off-site cycle improvements are needed and the scheme complies with ANP Policy GA2 and Arun Local Plan Policy T DM1.

To encourage sustainable travel, 40 cycle parking spaces are provided within cycle shelters. The required standard is 1 space per 500sqm for staff and 1 space per 1000 sqm for visitors, which would generate a requirement for 23 staff spaces and 11 visitor spaces. Therefore, the number provided is in excess of this requirement and complies with the ADC Parking Standards SPD, Arun Local Plan Policies T SP1 and T DM1, and ANP Policy EE9. A condition will secure provision of the cycle shelters prior to first use of the warehouse.

Public transport connectivity is provided by the nearest bus stops which are 800m from the site to the south on Shripney Road and accessible along footways. However, the bus services (61, 62, 66A and 66C) are low frequency on weekdays with only 2 or 3 per day. The closest railway station is at Bognor Regis, located 3 km cycling distance from the site. Whilst the bus services are accessible from the site, the low frequency of services, combined with shift working patterns, may mean that its use will be limited as an alternative to the car. The submitted Framework Travel Plan will seek to encourage staff to use more sustainable ways of travelling to the warehouse. The Framework Travel Plan identifies that Felpham and Bognor Regis are within an 8km cycle from the site. A full Travel Plan will be required to be submitted and approved prior to occupation in order to ensure that the scheme demonstrates a modal shift to increase sustainable travel, this will be secured by condition to accord with Arun Local Plan Policies T SP1 and T DM1 and ANP Policy GA1.

#### Parking

The proposals include a staff car park with 193 parking spaces, including 9 disabled spaces. 66 of the spaces will have active electric vehicle charging points (34%), which is above the 20% required from 2018 and the 30% required by 2023 (Arun Parking Standards SPD). The Parking Standards SPD requires 1 space per 100 sqm for B8 storage and distribution uses, which would amount to 114 spaces. The justification for the additional parking provision on the site is the operational characteristics which meant that during shift changeovers there will be double the anticipated number of workers on site. National Highways has queried the amount of parking on the site and additional information has been provided based on a comparable site to demonstrate the necessity of the additional parking provision. An updated response from National Highways is awaited and an update will be provided. The car park will include 20 motorcycle parking spaces. A condition is proposed to ensure that the parking spaces are constructed prior to occupation. Overall, the parking provision meets policy T SP1 (d) of the Arun Local Plan, Policy GA3 of the ANP and the Arun Parking Standards SPD and the requirements of T SP1 (f) iv) to incorporate EV charging.

The operational part of the development includes 6 HGV loading bays and the van storage deck provides 512 van storage spaces. The Design and Access Statement (DAS) sets out that the van storage facility will be provided with the infrastructure to install EV charging to all areas in the future to accommodate the switch to electric powered vans (i.e. passive provision). A condition is proposed to ensure that the active EV charging points are provided and the passive infrastructure installed.

#### TREES

The Arboricultural Survey identified seven trees on the site and two tree groups. This includes the five trees covered by a Tree Preservation Order (TPO). The Arboricultural Impact Assessment (AIA) identifies that two trees are required to be removed, one of moderate quality on the northern parcel due to the need for levelling and one low category tree from the southern parcel. This tree loss will be mitigated by new tree planting within the site and site boundaries. The TPO trees in the centre of the site are retained in a no-construction zone. Subject to conditions requiring adherence to the Arboricultural Method Statement and Tree Protection Plan, the scheme accords with Arun Local Plan Policy ENV DM4 and ANP Policy EH6 as it will not damage the TPO trees and will allow their continued retention.

#### LANDSCAPE

The character of the area is a low lying flat open landscape, with rife and ditches, arable farmland and few trees and hedgerows. The application site is largely flat, but the openness of the area has been diminished by the presence of the Relief Road and the Rolls Royce and Lidl units.

The submitted Landscape and Visual Impact Assessment (LVIA) has considered the landscape



character of the area and considered the potential recreational receptors that would be impacted by the proposals from the Public Rights of Way in the surrounding area. The sensitivity of the users of the PROW are considered to be high. The LVIA also considered the extant lighting conditions in the area and concluded that they corresponded with the Institute of Lighting Engineers Zone E4: high brightness areas. The LVIA concludes that with the proposed mitigation (landscaping along the site boundaries) the impact of the scheme from the PROW to the east will reduce from Significant to Not Significant at Year 15 after the landscaping matures. The viewpoints closest to the proposed development on the diverted PROW through the site and from the A259 flyover footpath (which has elevated views) will remain as Significant at Year 15. In terms of Landscape Character, the LVIA concludes that the area is of Low Sensitivity to new development and that the magnitude of change would be Moderate with a Moderate/Minor Effect and Not Significant on completion of the development.

The proposed landscaping, with the retention of existing trees, additional screening to the boundaries, the green wall on the north eastern and part of the north western facade of the van deck meets the requirements of Policy EMP DM2 (f) by providing a high standard of landscaping which will help screen the site. Whilst there will be impacts on the landscape as perceived by users of the PROW in the area, these impacts will lessen over time as the landscaping matures. The Council's Greenspace Officer has no objection to the development and is satisfied that the landscaping is of high quality.

The flood compensation area (FCA) is currently arable farmland with an existing hedgerow that forms the boundary of PROW 152. The proposal is that it will be used for spoil distribution and increased flood compensation. This area is adjacent to the existing flood compensation area which attenuates for the earlier phases of development at Oldlands Farm and for the A259. The FCA will be excavated to provide flood compensation and whilst the level of the land would be altered, it would assimilate with the adjacent flood compensation area and would not be significantly harmful to the character and appearance of the area of the overall landscape quality.

Overall, the proposed development is considered to fit in context, being within an employment allocation and within the confines of the existing settlement which is now clearly demarcated by the Relief Road. The scale of the development would clearly alter the nature and appearance of the site and there would be adverse close up views from local footpaths. However, the effect of the development would lessen in time as landscaping matures and will be seen in the context of other employment generating uses in the area. Overall, it is not considered that the development would result in significant harm to the character and appearance of the area, landscape or significantly affect the character of the wider countryside in compliance with Policies LAN DM1 and D SP1 of the Arun Local Plan and EH1 ii of the ANP.

## **BIODIVERSITY**

Initial concerns were raised by the Council's Ecologist as detailed species surveys had not been undertaken to support the application. Aldingbourne Parish Council also raised concerns about the impact on bat species due to the lack of information and raised the proximity of the site to the Biodiversity Corridor as shown in the ANP. An Ecological Appraisal has been submitted which provided survey findings for breeding birds, reptiles, bats and water voles. The findings concluded that the site provides a low to moderate habitat for birds and the northern parcel supported several pairs of skylarks. A small population of slow worm and common lizard were recorded which would be harmed without mitigation. No bats were recorded as roosting at the site and bat activity was low. Badgers were not recorded on site and otters may be present in the local area. Other species includes brown hare and hedgehogs. The mitigation proposed for nesting birds is to avoid clearing the site during bird nesting season. The recommendation in the Ecological Appraisal is that compensatory wetland habitat is created and this could be incorporated as part of the flood compensation area. Reptile mitigation would involve a translocation programme, with vegetation management prior to the translocation. Bat mitigation would involve a survey prior to any felling or management works to trees with bat roost potential and the design

of the lighting scheme to meet guidance. Badger mitigation would involve a pre-commencement survey to check for sett entrances, as well as making sure trenches are covered overnight or have ramps provided. The Ecologist is satisfied with the recommended mitigation measures and conditions are proposed to secure their implementation at the correct time in the development. Subject to conditions, the mitigation measures will ensure that the species are protected in accordance with Arun Local Plan Policy ENV DM5 and ANP Policy EH1 (iv).

Biodiversity Net Gain calculations have been carried out to demonstrate that the biodiversity enhancement measures will provide a 10% net gain. The enhancements proposed include 2 ha of amenity grassland which will enhance 0.3 ha of retained grassland. The flood compensation area would be planted with meadow grass seed mix and managed to create a wildflower meadow (6.97 ha) in addition to an area of standard grassland on the edges of the flood alleviation area (4.5 ha). Mixed scrub planting, the green wall, and retained streets trees would also provide a wildlife benefits. The new pond and SuDS features will also provide wildlife habitats. In addition to the landscaping, 4 bird boxes and 2 bat boxes will be provided. Conditions are proposed to secure the enhancement measures which will ensure that the site delivers over 10% Biodiversity Net Gain in accordance with Arun Local Plan Policies ENV DM5 and EMP DM2 (e). The revised Ecological Appraisal and updated Biodiversity Net Gains Metric has been amended to include a reference to fencing within the site allowing access and egress for hedgehogs and Figure 7 updated to show the log pile and hedgehog box locations.

Policy EH 12 of the ANP requires developments for greenfield sites within the Parish to evaluate whether there is a potential for the loss of suitable foraging habitat and/or severance of commuting flight lines for bats, due to the location of most of the Parish within the Singleton and Cocking Tunnels SAC 12km wider conservation area. Natural England has responded that the proposed development would not have any significant adverse impacts on designated areas and the site is located outside the 12km wider conservation area for the SAC. The site has low potential for foraging and commuting bats and the increase in light levels will reduce the suitability of the site for bats. Therefore, the proposal is likely to lead to some minor loss of foraging habitat contrary to Policy EH 12 of the ANP, but this not considered to result in significant adverse impact on the conservation objectives of the Singleton and Cocking Tunnels SAC. The mitigation and enhancement measures demonstrate that the scheme would not impact on the integrity or functioning of the Biodiversity Corridor in accordance with Policy EH2 of the ANP.

## SOILS

The proposed development would result in the loss of grade 3b agricultural land, which is not considered to be 'best and most versatile land. However, an informative is proposed to recommend that the guidance in the Defra 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites is followed.

## HISTORIC ENVIRONMENT

Policy HER SP1 with respect to the historic environment states that ADC will grant planning consent for development that either conserves or enhances the historic environment, meaning that development does significantly adversely affect the historic environment will not be granted.

Shripney Conservation Area is to the north-east of the application site beyond the part of the application site that is north of the A259. Aldingbourne Parish Council have objected to the proposal on the grounds that the proposed development would have an adverse impact on the Shripney Conservation Area. The ADC Conservation Officer has been consulted and his conclusion is that the proposed development will not harm the significance of the Shripney Conservation Area. A Heritage Statement has been submitted with the application which concludes that whilst the arable land immediately surrounding the

Conservation Area does contribute to its setting, the site does not form part of this setting due to the distance between the site and the Conservation and the lack of a visual link between the two.

It is considered that the proposal would comply with Policy HER DM3 of the Arun Local Plan 2011-2031 and would not affect the setting of the Conservation Area due to the lack of visual connection and distance between the site and the Conservation Area. The proposal would also comply with Policy EH9 of the ANP as it would not affect the Conservation Area and its setting.

## **ARCHAEOLOGY**

Significant amounts of archaeological investigation has occurred in the area (requirements of condition 27 of approval AL/58/15/OUT), therefore an archaeological desk based assessment has been submitted with the application in accordance with Policy HER DM6. This report concludes that there is high archaeological potential at the site for Bronze Age and Iron Age and Roman / Saxon / Medieval activity. The report recognises that previous archaeological work at the site has revealed that survival of remains are likely to be good and therefore, further archaeological work is required, which is also in accordance with Policy HER DM6. In consultation with the Archaeological Adviser, ADC Officers agree with the archaeological desk based assessment. A Written Scheme of Investigation has been submitted and works have taken place in accordance with the Scheme (agreed by the ADC Archaeological Advisor). An Archaeological Evaluation Report has been submitted following the investigation on site. This concluded that the site has very limited archaeological potential. This Report is considered to meet the requirements for archaeological investigation as it demonstrates that there are no findings which require preservation or further investigation in accordance with Policy HER DM6.

## **NOISE POLLUTION**

A noise assessment report was submitted as part of the application in accordance with Policy QE DM1, to ensure that the proposal would not have an adverse impact on surrounding neighbours as noise would be generated from building services plant and delivery operations. It concluded that building services plant is expected to have "no adverse impact at the closest sensitive receptors" and that operational noise levels "are considered to be within the No Observed Effect Level". As such the proposed development is not expected to have a significant adverse impact on the quality of life of surround neighbours. Based on this assessment it is considered that nearby residential properties and existing businesses near the development will be unaffected by noise generated from the site.

However, as a precautionary measure the Environmental Health Officer has recommended a condition that restricts noise to certain levels to safeguard the amenity of neighbours. In consultation with Environmental Health, the Applicant has agreed the rewording of this condition to the satisfaction of the Environmental Health Officer.

It is considered that subject to the imposition of a condition, the proposal would be in accordance with Policy QE DM1 and Policy QE SP1 of the Arun Local Plan 2011 and 2031.

## **AIR POLLUTION**

Policy QE DM3 requires "All major development proposals assess the likely impacts of the development on air quality and mitigate any negative impacts by:

- a. Ensuring the development is located within easy reach of established public transport services;
  - b. Maximising provision for cycling and pedestrian facilities;
  - c. Encouraging the use of cleaner transport fuels on site, through the inclusion of electric charging points;
- and

d. Contributing towards the improvement of the highway network where the development is predicted to result in increased congestion on the highway network".

The proposal meets with these requirements. There is a bus stop outside the nearby Rolls Royce Technology and Logistic Centre within short walking distance of the application site. 40 cycles parking which is policy compliant within the proposed development. 66 of the 193 proposed staff car parking spaces have electric charging points, some active electric vehicle charging points are also proposed for the delivery vans and others will be passive; and the Highway Authority require a contribution towards improvement of the A29.

An air quality assessment has been submitted as part of the application which assesses the impact to air quality during the construction phase and operational phase. The findings of the assessment with respect to the operational phase are that traffic movements are likely to be the most significant local source of pollutants affecting the site and surroundings. The impact description of the effects of changes in traffic flow as a result of the proposed development is determined to be 'negligible' at all existing receptors. As stated in the Planning Statement the delivery vehicles proposed to be used would be modern, fuel efficient and well-maintain which would reduce negative impacts to air quality. The findings of the assessment with respect to the construction phase is that the main emissions during construction are likely to be dust and particulate matter during earth moving or from construction materials. The impact description of dust emissions associated with the construction phase of the proposed development is 'medium risk' at the worst affected receptors without mitigation.

In consultation with the Environmental Health Officer, ADC Officers are satisfied with the air quality assessment and the appropriate mitigation measures suggested in the report. The Environmental Health Officer has recommended a condition requiring the development to be in accordance with the air quality assessment reports' mitigation measures and the submission of a site specific Dust Management Plan. In consultation with the Environmental Health Officer the Applicant has submitted a Dust Management Plan prior to determination which is considered to be acceptable and a condition is proposed to ensure compliance with the Plan.

Overall, the proposal is accessible to public transport services, maximises the provision for cycling and pedestrian facilities and includes electric vehicle charging points which will, in combination with the proposed condition, mitigate the impact of the development on air quality in accordance with QE DM3.

#### **LIGHT POLLUTION**

The ANP includes Policy EH10 'unlit village status' which requires new lighting to conform to the highest standard of light pollution restrictions in force at the time to avoid new development detracting from the unlit environments of the Parish. The proposal includes a lighting scheme as the facility is proposed to be operational 24 hours a day. The proposed lux levels are low within the area with the protected trees and the pond area to the north of the site, which accords with the recommendations for these areas in the Ecological Appraisal. The internal roads, operational areas and car parks will be lit to ensure the security and safe operation of the facility, as HGV deliveries would predominantly take place at night. The lighting has been designed to minimise light spillage (e.g. through cowls and deflectors and being angled downwards). The development will be in a setting which includes other developments which are lit and the LVIA identified that it is within a 'high brightness area' and is therefore not an inherently dark part of Aldingbourne Parish. Overall, the proposed lighting scheme is appropriate and will not detract from the unlit environment of Aldingbourne Parish in accordance with Policy EH10 or have a negative impact on amenity or the natural environment in accordance with Policy QE SP1 of the Arun Local Plan.

#### **FLOOD RISK AND DRAINAGE**

##### **Flood Risk**



The site falls partially within Flood Zone 2 (medium probability) and Flood Zone 3 (high). A Flood Risk Assessment has been submitted with the application. The main potential source of flooding is fluvial and combined (fluvial and tidal) flooding. Other sources of flood risk have been assessed as Low or Negligible. The proposal is to raise the site level to between 2.5m and 4.0m AOD and to set the Finished Floor Level (FFL) of the warehouse unit at 3.65m AOD. The area of built development is mainly in Flood Zone 2, with portion on the south west periphery in Flood Zone 3b. The land raising would remove the risk of fluvial/ tidal flooding as the FFL would be 1.94 m above the maximum flood level, this will mitigate the risk of flooding. It would also ensure that a safe access and egress can be provided. The FRA refers to the need to remove/ infill 4 drains within the site and has identified that they have no upstream connectivity and serve the land within the site. Formal consent is required for these works.

The land raising results in the need to provide flood compensation (similar to that already provided for an earlier phase of development at Oldlands Farm) to ensure that the flood risk is not exacerbated elsewhere. The Flood Compensation Area land is within Flood Zone 1 and has a low risk from fluvial/ tidal flooding. The proposed Flood Compensation Area is adjacent to the existing Flood Compensation Storage (FCS) area and will be connected. Construction of the proposed FCS area would require the excavation of 94,093m<sup>3</sup> of spoil. The calculations set out in the FRA indicate that a total volume of 41,135m<sup>3</sup> is available which would be sufficient to compensate for the 18,224m<sup>3</sup> of flood water displaced by the development.

As the site is allocated for employment uses within the Arun Local Plan, there is no requirement for the proposal to be subject to a sequential test, as this, and an exception test, was carried out prior to allocation of the site. The Environment Agency has not raised an objection to the proposal, subject to the imposition of a condition to ensure that the recommendations in the Flood Risk Assessment are followed. The submitted FRA demonstrates that the proposal would be safe and would not lead to an increase in flooding elsewhere in accordance with Policies W DM2 and EMP DM2 (c) of the Arun Local Plan and EH5 of the ANP.

#### Surface Water Drainage

The submitted Drainage Strategy sets out the how surface water on the site will be managed through sustainable drainage features (SuDS). These include an attenuation basin and tanks designed with capacity up to 1 in 100-year (plus 40% climate change) event. The site would then drain to three main outfalls to adjacent ditches. The proposed management and maintenance for the surface water drainage has been set out in the Drainage Strategy and a condition could be used to secure the details. ADC Drainage Engineers had outstanding concerns in relation to uncertainty over the existing drainage assets on site and recommended that the scheme can't rely on previous proposals and that hydrodynamic modelling should be undertaken. Concerns have also been raised that as discussions are still ongoing with Network Rail, that this could result in amendments to the drainage scheme. A condition has also been recommended by Engineers to ensure that the detailed design of the drainage scheme uses the appropriate methodology to determine the volume of storage required on the site. Amended calculations are also required for greenfield run-off rates. In order to avoid the need for pre-commencement conditions for drainage, a hydrodynamic modelling exercise has been carried out by the applicant to inform the detailed drainage design for the site. Once this modelling has been finalised, the detailed impact of the scheme on existing flood levels and drainage system will be known, which will help ensure that the detailed drainage design responds in a suitable way for the site. Revised plans for drainage will need to be submitted and reviewed by Engineers once the modelling is complete. An update will be provided.

Subject to confirmation that either satisfactory detailed drainage design plans and supporting documents have been received and agreed by Engineers or that the applicants have accepted pre-commencement drainage conditions, the proposal would be in compliance with Policy W DM3 of the Arun Local Plan and Policy EH 5 of the ANP.

### Foul Drainage

The foul drainage from the buildings will be connected to a rising main in the access road, via a pumping station. Southern Water has commented that network reinforcement works are required to ensure that adequate waste water capacity is available in the network. A condition is recommended to ensure that the occupation of the development is phased and implemented to align with the delivery of any required network reinforcement which will ensure that it can be adequately drained in accordance with Arun Local Plan Policies EMP DM2 (d) and W DM1.

### SUSTAINABILITY

The submitted Energy and Sustainability Statement set out that the 60kWp roof mounted photovoltaic (PV) system will provide 13.5% of the total predicted energy requirements, exceeding the requirement of Policy ECC SP2 (which required 10% from renewable or low carbon energy sources). A condition is proposed to ensure that the PV panels are installed and maintained.

### OTHER ISSUES

An Employment and Skills Plan has been submitted to meet the requirements of Arun Local Plan Policy SKILLS SP1 which requires a an Employment and Skills Plan for construction phase and occupancy phase if over 50 jobs created. A new Employment and Skills Plan (entitled Social Value Plan) has been submitted to cover the construction phase of the development. This Plan, combined with the Employment and Skills Plan for the occupation phase (DWD Ref 150160a), will ensure that the development complies with Arun Local Plan Policy SKILLS SP1. The Employment and Skills Plans meet the requirements of Arun Local Plan Policy SKILLS SP1. A condition is proposed to secure the implementation of the Plans.

### SUMMARY

Overall, the scheme addresses the requirements of Policy EMP DM2 and will assist in the creation of new jobs in the area and deliver part of the Enterprise Bognor Regis strategic employment land allocation. Having considered the detailed criteria in Policy EH1 of the ANP and EMP DM2 of the Arun Local Plan it is considered that they are met, and the principle of the development is acceptable. Significant weight is also given to the NPPF requirement to support economic growth, which this proposal will deliver. Subject to the satisfactory resolution of the surface water drainage issues it is recommended that the application be approved subject to conditions and a S106 Agreement.

### RECOMMENDATION:

That delegated authority is granted to the Group Head of Planning (in consultation with the Chair and Vice Chair of Planning Committee) to:

- a. approve planning permission subject to conditions;
- b. subject to a Section 106 Agreement, the terms of which are substantially in accordance with those set out in this report with any minor amendments being authorized by the Group Head of Planning

#### FOLLOWING EITHER:

- a) receipt of drainage plans/ documents deemed to be acceptable by ADC Engineers which will be included in the list of approved plans and in conditions requiring compliance with the plans/ documents
- OR
- b) receipt of written confirmation by the applicant to the imposition of the standard pre-commencement drainage conditions (as set out in this report or any alternative wording agreed by both the applicant and Local Planning Authority).

**HUMAN RIGHTS ACT**

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

**DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

**SECTION 106 DETAILS**

A S106 Agreement will be required to secure a contribution of £75,480 towards the A29 mitigation scheme based on the cumulative impact on the A29/Relief Road and A29/Steyping Way roundabouts, £22,973 towards the Local Plan A27 Mitigation and to secure a contribution of £5,000 towards the monitoring of the Travel Plan.

**CIL DETAILS**

This application is CIL Liable because the proposed development is in CIL Zone SP3 but it is zero rated.

**RECOMMENDATION**

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 1

The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

- 2

The development hereby approved shall be carried out in accordance with the following approved plans:

21023-ASA-V0-XX-DR-A-PL01-(S2-P4) Site Location Plan  
21023-ASA-V0-XX-DR-A-PL03-(S2-P7) Proposed Site Plan



21023-ASA-V1-P0-DR-A-PL04-(S2-P5) Proposed Warehouse Ground Floor Plan  
21023-ASA-V1-P1-DR-A-PL05-(S2-P6) Proposed Warehouse First Floor Plan  
21023-ASA-V1-P2-DR-A-PL06-(S2-P5) Proposed Warehouse Plant Deck  
21023-ASA-V1-P3-DR-A-PL07-(S2-P6) Proposed Warehouse Roof Plan  
21023-ASA-V1-XX-DR-A-PL08-(S2-P6) Proposed Warehouse Elevations  
21023-ASA-V1-XX-DR-A-PL09-(S2-P6) Proposed Warehouse Deck Sections  
21023-ASA-V2-V0-DR-A-PL10-(S2-P5) Proposed Van Deck GF Plan  
21023-ASA-V2-XX-DR-A-PL11-(S2-P5) Proposed Van Deck Upper Levels  
21023-ASA-V2-XX-DR-A-PL12-(S2-P7) Proposed Van Deck Elevations  
21023-ASA-V2-XX-DR-A-PL13-(S2-P4) Proposed Van Deck Sections  
21023-ASA-V0-XX-DR-A-PL14-(S2-P8) 3D Views  
21023-ASA-V0-XX-DR-A-PL15-(S2-P7) Proposed Site Sections  
21023-ASA-XX-XX-DR-A-PL17-(S2-P1) Flood Compensation Area  
21023-ASA-V0-XX-DR-A-PL20-(S2-P1) Proposed Boundary Details  
21023-ASA-XX-XX- DR-A-PL16-(S2-P5) 3D Street Views  
21023-ASA-XX-XX- DR-A-PL18-(S2-P5) Proposed Block Plan  
21023-ASA-V0-XX- DR-A-PL21-(S2-P5) Proposed Ancillary Structures Sheet 1  
21023-ASA-V0-XX- DR-A-PL22-(S2-P5) Proposed Ancillary Structures Sheet 2  
21023-ASA-V0-XX- DR-A-PL23-(S2-P5) Proposed Sprinkler Tanks and Pump House  
21023-ASA-V0-XX- DR-A-PL24-(S2-P4) Proposed Waste Platform  
21023-ASA-V0-XX- DR-A-PL25-(S2)-Proposed Guard Shack

Preliminary Geo- Environmental Assessment (Delta Simons) (September 2021)  
Geo- Environmental Assessment (Delta Simons) (September 2021)  
External Lighting Lux Levels Plot (10383-PL-100E) (KTA)  
SK-100A Hydrant Main and Pits Location Layout (KTA)  
Built Heritage Statement (RPS) (August 2021)  
Flood Risk Assessment (Delta Simons) (September 2021)  
Arboricultural Impact Assessment (Delta Simons) (September 2021)  
Arboricultural Method Statement (Delta Simons) (September 2021)  
Foundations Work Risk Assessment (Delta Simons) (September 2021)  
Ecological Appraisal (Delta Simons) (November 2021)  
Biodiversity Net Gain Metrics (Delta Simons)  
Landscape and Visual Appraisal Report (Enplan) (September 2021)  
Landscape Management Plan (Enplan) (September 2021)  
Landscape Planting Plan 05-991-701 Rev E (Enplan)  
Air Quality Dust Management Plan (TetraTech) (September 2021)  
Air Quality Impact Assessment (TetraTech) (May 2021)  
Transport Emissions Mitigation Plan (TetraTech) (September 2021)  
Construction Environmental Management Plan (November 2021) (ISG)  
Archaeological Written Scheme of Investigation (RPS) (September 2021)  
Transport Assessment (Vectos) (September 2021)  
Employment and Skills Plan (DWD Ref 150160a)  
IGS Social Value Plan (November 2021)  
Archaeological Evaluation Report (RPS/ PCA November 2021)

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

3 The Construction Environmental Management Plan (November 2021) (ISG) shall be implemented and adhered to throughout the entire construction period.

Reason: In the interests of highway safety and the amenities of the area.

- 4 No part of the development shall be first occupied until the car parking and cycle parking shelters has been constructed in accordance with the approved plans. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking and cycle storage spaces for the use and in accordance with policies T SP1 and T DM1 of the Arun Local Plan.

- 5 No part of the development shall be first 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 T DM1 of the Arun Local Plan.

- 6 No part of the development shall be first occupied until photovoltaic panels, as set out in the Energy and Sustainability Statement (GAW/10383/ENE-01 Iss 02, 10/05/21) have been installed and are in working order. The installed photovoltaic panels will be maintained in working order thereafter.

Reason: To ensure that the renewable energy resources are implemented on the site, in accordance with policy ECC SP2 of the Arun Local Plan.

- 7 Prior to first use of the proposed development, the active electric vehicles charging points, as illustrated on the Proposed Block Plan 21023-ASA-XX-XX- DR-A-PL18-(S2-P5), shall be installed. The charge points shall thereafter be retained and maintained in good working condition. Prior to first use of the proposed development the passive electric vehicle charging infrastructure for the van storage facility, as shown on the Proposed Van Deck GF Plan 21023-ASA-V2-V0-DR-A-PL10-(S2-P5) and Proposed Van Deck Upper Levels 21023-ASA-V2-XX-DR-A-PL11-(S2-P5) shall be installed to facilitate the future provision of active charging points when required.

Reason: New petrol/ diesel cars/ vans will not be sold beyond 2030, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan and the Arun Parking Standards SPD 2020.

- 8 Prior to any site clearance or works using machinery a site meeting is to take place between the Local Planning Authority Tree Officer and the Arboricultural Expert appointed to oversee works. At this meeting all protective fencing will be inspected to verify that it is 'Fit for Purpose' as required as required under British Standard 5837:2012 and has been erected and positioned exactly as shown on the Tree Protection Plans, 20-1543.05, Figs 2a, 2b and 2c.

Reason: To ensure the retention and maintenance of trees and vegetation which are an important feature of the area in accordance with policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the protection and retention of trees goes to the heart of the planning permission.

- 9 All activity at the site is to be carried out in strict accordance with the Arboricultural Method Statement (for Enabling and Construction Phases of Work), Delta-Simons Project No 21-1543-05, September 2021.

If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/ Zones, then prior to their installation a Method Statement prepared

by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced on site.

Reason: To comply with BS5837 and to ensure that retained trees are protected such that there ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area.

- 10 The LAeq noise levels from fixed building services plant shall be no more than 74.6 dB(A) at 1m distance or 55.0 dB (A) at 3m distance in accordance with 'Oldlands Farm, Newlands Road, Bognor Regis Noise Assessment: 784-B027957.

Reason: To protect the amenity of local residents and adjacent businesses in accordance with policy QE DM1 of the Arun Local Plan.

- 11 Prior to the occupation of the warehouse, the ecological enhancements to achieve Biodiversity Net Gain, set out in the Ecological Appraisal (November 2021) shall be complied with in full. The enhancement measures shall thereafter be implemented in accordance with the timings identified within the scheme and retained and thereafter maintained as fit for purpose.

Reason: to ensure that a satisfactory balance is achieved between development of the site and to achieve Biodiversity Net Gain, in accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 12 No development shall take place unless in complete accordance with the mitigation and protection measures for reptiles, bats, birds, badgers, otter and hedgehogs set out in the Ecological Appraisal (November 2021). The approved mitigation and protection measures shall thereafter be implemented in accordance with the timings identified within the Ecological Appraisal and shall be retained and thereafter maintained as fit for purpose.

Reason: to ensure that a satisfactory balance is achieved between development of the site and the protection of nature conservation interests in accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition because the commencement of development could result in harm to any wildlife living within the site area.

- 13 No construction related activity shall take place within the 10 metre protected buffer shown on plan Ditch 7- Buffer Protection Zone reference PL27-(A1-P1) unless and until a check for water voles has been completed by a qualified ecologist. In the event that water voles are found on site, then the applicants shall provide a mitigation strategy to the Local Planning Authority for approval in writing.

Reason: To safeguard water voles in accordance with Policy ENV DM5 of the Arun Local Plan and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition because the commencement of development could result in harm to any water voles living within the site area.

- 14 No development including site access, demolition or associated construction activities, shall take place on the site unless a check for skylark nests on the ground has been completed by a qualified Ecologist. In the event that a nest is identified, works will be required to stop until a 10m radius around the nest has been screened off from construction. Any works within this area will only be permitted to continue after the chicks have fledged.

Reason: to ensure the protection skylarks in accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework. It is considered necessary for this to be a

pre-commencement condition because the commencement of development could result in harm to any skylarks and their nests within the site area.

- 15 No development including site access, demolition or associated construction activities, shall take place on the site unless and until a badger survey has been undertaken in order to ensure that badgers are not using the site. If a badger sett is found on the site, then the applicants shall provide a mitigation strategy to the Local Planning Authority for approval in writing to be determined in consultation with Natural England.

Reason: To safeguard resident badgers in accordance with policy ENV DM5 of the Arun Local Plan and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition because the commencement of development could result in harm to any badgers living within the site area.

- 16 The development shall not be occupied until the soft landscaping shown on Landscape Planting Plan 05-991-701 Rev E (Enplan) has been planted and the green wall installed. In the event that any trees, shrubs or plants die or become seriously damaged or diseased within a period of 5 years following planting they shall be replaced in the next planting seasons with others of similar size and species. The management and maintenance of the soft landscaping and green wall shall be in accordance with the Landscape Management Plan (Enplan) (September 2021).

Reason: In the interests of the amenity of the locality in accordance with policies ENV DM4 and ENV DM5 of the Arun Local Plan.

- 17 Prior to the commencement of construction works details of a proposed foul drainage system shall be submitted to and approved in writing by the Local Planning Authority (including details of its siting, design and subsequent management / maintenance) and no part of the development shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details. The occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policies W DM1 and W DM3 of the Arun Local Plan.

- 18 Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 19 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to



BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 20 The development shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values and in accordance with current policies. No construction is permitted, which will restrict current and future landowners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. And to ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 21 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

- 22 The development shall be carried out in accordance with the Flood Risk Assessment (Delta Simons) (September 2021) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 3.65 metres above Ordnance Datum (AOD).
- Compensatory storage shall be provided on the North of the site as shown in the contour map 21023-ASA-XX-XX-DR-A-PL17-(S2-P1) Flood Compensation Area.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants. The prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

- 23 Prior to the first occupation of any unit forming part of the proposed development the required

fire hydrants shall be installed in the approved location as shown on 'Hydrant Mains and Pits Location Layout 10383-SK-100-Rev A' to BS 750 standards or stored water supply and the applicant/ developer shall arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposed of firefighting.

The fire hydrants shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner/occupier if the installation is retained as a private network.

Reason: In the interests of amenity and in accordance with policy INF SP1 and T SP1 of the Arun Local Plan and in accordance with The Fire & Rescue Service Act 2004.

- 24 Within 6 months of commencement of the flood compensation area a restoration scheme requiring such steps as may be necessary to bring the land to the required standard for the use as agriculture shall be submitted to the Local Planning Authority for approval. The approved restoration scheme shall be implemented in its entirety prior to the occupation of any employment units hereby approved.

Reason: In the interests of proper restoration of the site and in order to ensure that the site can continue to be used for agricultural purposes in accordance with SO DM1 of the Arun Local Plan.

- 25 If during development, any visible contaminated or odorous material (for example, asbestos containing material, stained soil, petrol/ diesel/ solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented.

If no such contaminated material is identified during the development, as statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with policy QE DM4 of the Arun Local Plan.

- 26 The development shall be carried out in accordance with the mitigation measures set out in the Air Quality Impact Assessment (TetraTech) May 2021), the Air Quality Dust Management Plan (TetraTech) (September 2021) and the Transport Emissions Mitigation Plan (TetraTech) (September 2021).

Reason: To minimise the detrimental impacts to air quality in accordance with policy QE SP1 of the Arun Local Plan.

- 27 The development shall be carried out in accordance with the External Lighting Strategy Report (April 2021) and the External Lighting Lux Level Plot (10383-PL-100E) (KTA). The approved lighting system shall be implemented on site prior to first occupation and be retained thereafter.

Reason: To protect local residents and the wider environment in accordance with policy QE SP1 of the Arun Local Plan.

- 28 The objectives of the Employment and Skills Plan (DWD Ref 150160a) and ISG Social Value Plan (4 November 2021) shall be promoted by the applicant throughout the construction and operation of the development.

Reason: In order to ensure that local people have the best opportunity to access new jobs created in accordance with Policy SKILLS SP1 of the Arun Local Plan.

- 29 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm event plus 40% on stored volumes/rainfall intensity (allowance for climate change) between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year storm event plus 40% on stored volumes/rainfall intensity. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application.

- 30 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council [land.drainage@arun.gov.uk](mailto:land.drainage@arun.gov.uk)), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens. The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.

- 31 INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.

- 32 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk). Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

- 33 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 34 INFORMATIVE: Network Rail - the applicants are requested to engage with Network Rail's



Asset Protection and Optimisation (ASPRO) team prior to works commencing. This will allow the ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway. The applicants may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works. The applicant must also follow the Asset Protection Informatives set out in the Network Rail consultation response to this planning application dated 7th September 2021.

- 35      INFORMATIVE: Your attention is drawn to the provisions of the Countryside and Rights of Way Act 2000 and Wildlife and Countryside Act 1981 (as amended) and in particular to Sections 1 and 9.

These make it an offence to:

- kill or injure any wild bird,
- damage or destroy the nest of any wild bird (when the nest is being built or is in use),
- damage or destroy any place which certain wild animals use for shelter (including all bats and certain moths),
- disturb certain wild animals occupying a place for shelter (again, all bats and certain moths).

The onus is therefore on you to ascertain whether such birds, animals or insects may be nesting or using the tree(s), the subject of this consent, and to ensure you do not contravene the legislation. This may, for example, require delaying works until after the nesting season for birds. The nesting season for birds can be considered to be March to September. You are advised to contact Natural England for further information (tel: 0845 601 4523).

- 36      INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc ) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

- 37      INFORMATIVE: Should any protected species or evidence of any protected species be found prior to or during the development, all works must stop immediately and an ecological consultant or the Local Planning Authority Ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of this advice and provided with the contact details of a relevant ecological consultant.

- 38      INFORMATIVE: Advice from Environment Agency.

Culverting Consent: Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the Lead Local Flood authority. It is best to discuss proposals for any works with them at an early stage.

Signing up for flood warnings: The application/ occupants should phone Floodline on 0345 988 1188 to register for a flood warning.

- 39      INFORMATIVE: Advice from Natural England:

It is recommended that the guidance in relation to soils set out in the Defra 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites' is followed.

BACKGROUND PAPERS

The documents relating to this application can be viewed on the Arun District Council website by going to <https://www.arun.gov.uk/weekly-lists> and entering the application reference or directly by clicking on this link.

**AL/87/21/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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