

PLANNING APPLICATION REPORT

REF NO: BE/150/22/OUT

LOCATION: Land at Oldlands Farm
Newlands Road
Bognor Regis
PO22 9NN

PROPOSAL: Outline planning application with all matters reserved except access for the demolition of existing derelict building and erection of up to 18,580sqm of new industrial/warehouse (Use Class B2/B8) and ancillary offices (Use Class E (g)) floorspace.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	5.2 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The site features a varied boundary treatment consisting of wooden fencing, planting, trees with some boundaries open.
SITE CHARACTERISTICS	The application site consists of undeveloped greenfield land which is currently in agricultural use.
CHARACTER OF LOCALITY	<p>The character of the locality is industrial, commercial and agricultural uses in the immediate locality. The application site falls within the Oldlands Farm employment allocation (under policy EMP SP3 of the Arun Local Plan). To the north of the application site is Lidl whilst to the north-east is the Rolls Royce Technology and Logistics Centre. Further north permission has been granted for warehouse and van storage. These uses together constitute the application site form the entirety of the Oldlands Farm employment allocation.</p> <p>To the west of the site (on the adjacent side of the A29) is the Rowan Park and Caravan Motorhome Park. To the north-west is the Saltbox employment allocation with further commercial and industrial uses to the south of the site.</p> <p>To the east of the site is the railway line which runs north to south beyond which is agricultural land. Further to the north of the site is the village of Shripney.</p>

RELEVANT SITE HISTORY

AL/87/21/PL	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.	App Cond with S106 09-08-22
BE/126/19/PL	Erection of a 1410 square metres discount convenience retail food store (Use Class A1) & parking, landscaping & other associated works.	ApproveConditionally 18-03-20
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/64/15/PL	Variation of Condition 2 imposed under planning reference BE/73/14/PL relating to approved plans.	ApproveConditionally 29-07-15
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

A number of other permissions have been approved at Oldlands Farm.

REPRESENTATIONS

Bersted Parish Council - Objection

- The application will add to the traffic using Saltbox roundabout especially with application AL/87/21/OUT having outline permission for B8 distribution using the same road network. There have already been accidents on this roundabout. Impact of increased traffic on the local roads, A29 through Shripney and A259.

2 no. letters of objection:

- Road is very busy and can be dangerous when leaving Salt Box or Oldlands Farm.
- Building on more farmland reduces natural drainage.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and will be considered in the conclusion to this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

West Sussex County Council Lead Local Flood Authority - No objection.

Environmental Health - No objection.

Conditions proposed in relation to Air Quality, Contamination, Unexpected Contamination, Construction Management Plan, Construction Hours, External Lighting, and Noise.

National Highways - No objection

Condition to be imposed preventing the use of the building for parcel delivery until such time as a revised transport assessment is submitted and approved.

Archaeology - No objection

Condition to be imposed.

West Sussex Fire & Rescue - No objection

Condition requested to secure provision of fire hydrants.

West Sussex County Council Highways - No objection

The Local Highway Authority (LHA) have reviewed the content of the TA and the proposals follow the advice given within the LHA's pre-application advice in 2022.

Ecology - No objection

Conditions proposed.

Greenspace - No objection

Drainage Engineers - No objection.

Further information required. However, if minded to approve conditions have been proposed.

South Downs National Park - No comments.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and will be considered later in the report.

POLICY CONTEXT

Designation applicable to site:

- 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:](#)

ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
EMPDM1	EMP DM1 Employment Land: Development Management
EMPDM2	EMP DM2 Enterprise Bognor Regis
EMPSP1	EMP SP1 Strategic Economic Growth
EMPSP3	EMP SP3 Strategic Employment Land Allocations
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
QEDM1	QE DM1 Noise Pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
SKILLSSP1	SKILLS SP1 Employment and Skills
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SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WSP1	W SP1 Water

[Bersted Neighbourhood Plan 2014 Policy EE1](#) Business expansion

Bersted Neighbourhood Plan 2014 Policy ES8 Renewable energy

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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.

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 complies with relevant Development Plan policies in that it would not give rise to unacceptable impacts which would warrant refusal of the application.

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

There are other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**PRINCIPLE**

The application is submitted in outline with all matters reserved except for access. This means that consideration of the proposal will exclude matters of detailed design such as layout, appearance, scale and landscape. The proposed development falls within the built up area boundary (BUAB) as defined by Policy SD SP2.

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 identifies measures to encourage sustainable growth and support regeneration of these two main towns. The plan allocates circa 75 hectares of land for this and this includes the Strategic Employment Land Allocation of Oldland's Farm. The proposed development in this case 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.

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.

The proposed development in this case is in accordance with Policies EMP SP1, EMP SP3 and SD SP2 of the Arun Local Plan. However, in order for the proposals to be acceptable in principle it must accord with the requirements of policy EMP DM2 of the Arun Local Plan, as well as other relevant development plan policies. These matters are discussed below.

ACCESS AND HIGHWAY MATTERS

The proposed access to the site will be via the main estate road (Newlands Road) which serves the existing commercial and industrial uses operating from the site. Newlands Road was approved as part of the Rolls Royce development and is accessed from the A29/Fontwell Relief Road roundabout. The Transport Assessment submitted in support of the application has reviewed the latest accident records and this has revealed that there have been no collisions as a result of junction design with all those recorded being as a result of driver/rider error.

The new access point for the proposed development is located in the north-eastern corner of the site and will provide vehicular access to the car park and loading area. The new access has been designed with sufficient visibility and swept path diagrams to demonstrate that the access would operate satisfactorily for cars as well as larger vehicles such as HGVs and fire tenders. The Transport Assessment has also concluded that the proposed development would equate to peak hour flows of 128 (AM) and 95 (PM) two way movements.

West Sussex County Council as the Local Highway Authority (LHA) have been consulted on the proposals and have raised no objection to the access arrangements. It has been confirmed by the LHA that they are in agreement with the adoption of the same strategy, for the proposals, as was applied through the determination of planning application AL/87/21/OUT in relation to the assessment of the highways impacts associated with the development.

Arun Local Plan Policies EMP DM2 (b) and T SP1 (e) require a Transport Assessment and Travel Plan to demonstrate how impacts on the road network can be mitigated.

The Transport Assessment has modelled the proposals to a 2031 scenario which has shown that in all scenarios the nearby roundabouts and junctions would experience increased activity as a direct result of the proposed development. The impact of the Oldlands Farm employment allocations upon the operation of the highways network were also considered through the Enterprise Bognor Regis Transport Review 2017. This study was based on the 2031 development scenario which included Enterprise Bognor Regis as well as other Arun Local Plan developments.

The study in respect of the A29/A259 Felpham Relief Road roundabout concludes that a significant level

of mitigation is required which could 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 removed all of the 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 roundabout and in accordance with the approach adopted in relation to AL/87/21/PL financial contributions should be directed towards the mitigation for the A29/A259 Relief Road roundabout. Currently there is no detailed design for this mitigation scheme. However, in accordance with the approach previously taken on other nearby developments these proposals would generate a financial contribution of £121,520 towards the A29/A259 Felpham Road roundabout in order to mitigate the cumulative impacts of the proposed development alongside existing and future developments.

National Highways have also been consulted and had originally raised a holding objection on the development due to concerns with the proposals potential to impact on the safe and efficient operation of the Strategic Road Network (SRN), particularly due to its proximity to the A27. During the life of the application the applicant has been in discussion with National Highways and a suitable condition has been agreed to overcome these concerns.

Subject to the imposition of the proposal condition National Highways have confirmed that the proposals, if permitted, would not have an unacceptable impact on the safety, reliability, or operational efficiency of the SRN in the vicinity of the A27, reflecting Department for Transport Circular 01/22 and NPPF (para 110-113).

Therefore, the development subject to the proposed condition and financial contribution would accord with Policy T SP1 and EMP DM2 (b) of the Arun Local Plan.

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 has been agreed 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 Policy T DM1 of the Arun Local Plan.

Indicatively 130 cycle spaces are incorporated as part of the proposals. The standard requirement is 1 space per 500sqm for staff and 1 space per 1000 sqm for visitors, which would generate a requirement for 55 cycle parking spaces. Therefore, the number shown is well in excess of this requirement and complies with the ADC Parking Standards SPD, Arun Local Plan Policies T SP1 and T DM1.

WSCC have also provided comments in relation to the Travel Plan (TP) and identify that it should aim to achieve a 12-hour weekday (7am to 7pm) vehicle trip rate that is 15% lower than that predicted for the site in the Transport Assessment. This trip rate reduction should be achieved within 5 years and sustained for the 5-year monitoring period. Financial contributions will be necessary to allow for the monitoring and review of this and will be secured through S106 agreement. It was also identified that EV charging points should be secured and a condition relating to this has been included as part of the recommendation. Therefore, subject to this the proposals would accord with Policies T SP1 and T DM1 of the Arun Local Plan.

PARKING

As identified above the application is submitted in outline with all matters save for access reserved. However, it is still necessary to assess if the proposed development can be adequately accommodated on the site excluding matters of detail design. The indicative site layout shows that the proposed building can be accommodated on site with adequate space to incorporate 265 parking spaces, with this level of parking provision agreed with the LHA through pre-application discussions. Therefore, the proposed development can be accommodated on site alongside sufficient parking provision to meet the demands of the development.

BIODIVERSITY

The Council's ecologist has been consulted and has raised no objection subject to securing biodiversity mitigation and enhancement measures. The application was accompanied by an Ecological Impact Assessment (The Ecology Co-Op, November 2022) which considered the impacts of development upon designated sites, protected and priority species and habitats as well as the identification of proportionate mitigation. A number of conditions have been requested and those proposed are considered to be reasonable and necessary to make the development acceptable in planning terms.

Therefore, subject to the inclusion of the proposed conditions and implementation of the biodiversity mitigation and enhancement measures the development would accord with policy ENV SP1 and ENV DM5 of the Arun Local Plan.

TREES

The application was accompanied by a Tree Survey and Report (November 2022) which identifies a number of trees on site all of which are located on the boundaries, primarily to the northern and eastern boundaries. The survey and report identify that the development proposals can be achieved with little to no impact on the retained trees. However, the report does recommend that an arboricultural review of the final site layout may further mitigate any potential tree removal and also that an arboricultural impact assessment, method statement and tree protection plan should be prepared in support of the final design and accompany the reserved matters application or be secured through planning condition. Subject to this the scheme will accord with Arun Local Plan Policy ENV DM4.

SOILS

The site is identified as being 'best and most versatile land' (BMV) on the Agricultural Land Classification map London and the South East (ALC007). Alternative options for the location of this strategic employment allocation have been explored and subjected to a Sustainability Appraisal process to select the most sustainable sites.

The Arun Local Plan (2011-2031) Sustainability Appraisal recognised that most of the undeveloped coastal plain within the District is high grade agricultural land and that the majority of the strategic allocations would have a significant negative effect on the objective of avoiding the loss of BMV land. The loss of BMV is one factor in the site selection and decision-making process.

Policy SO DM1 of the Arun Local Plan states that development will not be permitted on this type of land unless 'designated by this plan' or unless the need for the development outweighs the need to protect such land in the long term. As the site is a strategic allocation within the Local Plan the proposal would not be the subject of assessment under policy SO DM1 of the ALP.

HISTORIC ENVIRONMENT

Policy HER SP1 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 located approximately 530m to the north of the application site and contains a number of listed buildings. The site is separated by some built form, mature trees and the A29 and Salt Box Roundabout. Given the separation distance and existing development surrounding the application site the proposed development would not give rise to any harm to the setting or significance of any designated or non-designated heritage assets. Therefore, the proposed development would accord with Policy HER DM1 or HER DM3 of the Arun Local Plan.

ARCHAEOLOGY

The Council's archaeological advisor has been consulted on the proposed development and has confirmed that the impact of the proposed development of the site on the archaeological interest should be mitigated as proposed in the 'Summary Review of Archaeological Potential' submitted in support of the application. It has been recommended that a condition is imposed to ensure that the programme of archaeological work is carried out in accordance with a written scheme of investigation.

Therefore, subject to the imposition of an appropriate worded condition the development will accord with the requirements of Policy HER DM6 of the Arun Local Plan.

NOISE IMPACTS

Environmental Health were consulted on and having reviewed the 'Environmental Noise Impact Assessment - Phase 3' (dated 13th December 2022). They confirmed that they were satisfied that data, calculations and findings for HGV noise, break out noise from the building, and noise levels for the building services plant were reliable. However, some concerns were raised in relation to the data and calculations presented in relation to forklifts. In addition, further comments were submitted recommending that all activities associated with B2/B8 use including deliveries and loading/unloading must take place within the building.

Further information was submitted by the applicant seeking to address these comments and Environmental Health were re-consulted on the 2 May and comments. Any further comments will be contained within an Update Report.

Subject to the imposition of relevant conditions (as required) the development is in accordance with policies Policy QE DM1 and QE SP1 of the Arun Local Plan 2011 and 2031.

AIR POLLUTION

As a major application the applicant must consider air quality with the Council's Environmental Health Officer advising that this should be considered at design stage with appropriate and effective mitigations being incorporated. Policy QE DM3 relates to air quality and identifies that major development proposals should be located within easy reach of established public transport services; maximise provision for cycling and pedestrian facilities; encouraging the use of cleaner transport fuels on site, through the inclusion of electric car charging points; and contribute towards the improvement of the highway network where the development is predicted to result in increased congestion on the highway network.

The proposed development by virtue of its location and conditions imposed would accord with policy QE DM3 and as such the impact of the proposals upon air quality is deemed acceptable subject to these conditions and further assessment of the detailed design of the proposals at Reserved Matters stage.

LIGHT POLLUTION

Policy QE DM2 of the Arun Local Plan identifies that planning permission for developments which involve outdoor lighting must be accompanied by a lighting scheme. Given that this development is in outline and the design and layout of the proposals are not being agreed at this time lighting details similarly cannot be considered at this time.

Given that the use and potential scale of the development, lighting details will need to be considered and agreed once detailed design matters have been approved. Therefore, a condition is proposed to require submission of these details for approval of the Local Planning Authority prior to the occupation of the development. Subject to the imposition of this condition the proposed development would accord with policy QE DM2 of the Arun Local Plan.

DRAINAGE

The application site falls within flood zone 1 and was accompanied by a Flood Risk and Drainage Statement produced by FortRidge Consulting Limited (December 2022). This document has been reviewed by the Council's drainage engineers. A number of comments have been raised seeking clarification on a number of points and seeking further infiltration testing.

However, given that the submitted application is in outline it is not possible to secure drainage details and design at this time. Therefore, it is recommended that the applicant refer to the comments from the Council's drainage engineers and ensure these are addressed through any future submissions. In addition (and as requested by the Council's engineers) four conditions relating to surface water and foul drainage details/design.

Subject to the imposition of the proposed conditions to secure an appropriately designed drainage scheme the development would accord with policies W DM3 and EMP DM2(c) and (d) of the Arun Local Plan.

SUSTAINABILITY

The design and access statement submitted in support of the application identifies a number of sustainability measures which include 53 EV charging bays and use of low or zero carbon technologies.

The Arun District Council Parking Standards SPD identifies that for a development of this type 30% of the total parking space provision should be delivered as EV charging point. Therefore, given the 265 spaces proposed this would equate to 79.5 EV charging points. A condition has been included to ensure that the 30% requirement is achieved.

Policy ECC SP2 of the Arun Local Plan identifies that all major developments must produce 10% of the total predicted energy requirements from renewable or low carbon energy generation on site, unless it can be demonstrated that this is unviable. It is also clarified that energy efficiency measures will only be taken into account for the purposes of calculating the total predicted energy requirements. A condition has been included requiring submission of this detail for approval prior to the commencement of development.

Subject to the use of appropriately worded conditions the proposed development is deemed to accord with policies ECC SP2 and T SP1 of the Arun Local Plan.

SUMMARY

The proposed development has been submitted in outline with all matters reserved save for access. The proposed development in so far as it can be assessed given the outline nature of the proposals are in accordance with policy EMP DM2 of the Arun Local Plan and will assist in the creation of jobs. Appropriately worded conditions and S106 contributions will be secured to ensure that any potential impacts associated with the development are appropriately addressed. Significant weight is also given to the NPPF requirement to support economic growth, which this proposal will deliver.

RECOMMENDATION

It is recommended that planning permission is granted subject to the conditions proposed and

completion of a Section 106 agreement.

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 financial contribution of £121,520 towards the A29/A259 Felpham Road roundabout.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

- (a) Layout;
- (b) Scale;
- (c) Appearance; and
- (d) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

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

- Location Plan - Drawing no. S0001 Rev P02

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.

4 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls (and roofs) of the proposed building(s) have been submitted to and approved by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and character by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

5 Prior to the occupation of any part of the approved building, the applicant or developer shall provide electric vehicle charge points to serve the parking spaces associated with the approved building in accordance with the council's standards as set out in its Parking Standards SPD. This requires EV charging points in 30% of parking spaces (rising to 50% from 2028 & 100% from 2033) with electric ducting provided to all other spaces to make provision for these spaces to be upgraded in future. The individual charge points shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations 2010 (as amended). The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

Reason: New petrol, diesel and hybrid 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, the Arun Parking Standards SPD and the NPPF.

6 At least 10% of the predicted energy demands of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF). Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development above damp proof course (DPC) level begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure on site renewable energy in accordance with national planning policy, and in accordance with Policy ECC SP2 of the Arun Local Plan.

7 The landscaping and layout particulars to be submitted in accordance with Condition 1 for any phase or sub phase shall include:

- i. Details of all existing trees and hedgerows on the land, showing which are to be retained and which removed;
- ii. Details of the positions, height, design, materials and type of boundary treatment to be provided;
- iii. Details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree;

vi. The detailed landscape design for the development including the layout and design of the public realm within the development.

No tree or hedge shall be felled, uprooted or otherwise removed before, during or after the construction period except where removal is indicated on a plan approved by the Local Planning Authority.

Reason: In the interests of amenity and of the environment of the development in accordance with Policies D DM1, HWB SP1, OSR DM1 and ENV DM4 of the Arun Local Plan 2011-2031.

8 No development including site access, demolition or associated construction activities shall commence unless and until all the existing trees/bushes/hedges to be retained on the site have been protected in accordance with a scheme submitted to the Local Planning Authority. Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of top soil unless agreed by the Local Planning authority. There must be no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without prior written approval of the Local Planning Authority.

No trenching should occur within the protective fencing surrounding the Root Protection Area. If roots requiring severance to allow for the passage of services is necessary then an arboriculturist would be required to assess and determine whether the loss of the roots would be detrimental to the continued health and stability of the affected tree.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy ENV DM4 of the Arun Local Plan. This is required to be a pre commencement condition because it is necessary to ensure that trees are fully protected before the ground is disturbed and works commence.

9 Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

1. A Site Investigation Scheme, based on the Ashdown Site Investigation Ground Contamination Risk Assessment Report to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2. Based on the Site Investigation Scheme and the detailed risk assessment, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3. A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in the options appraisal and remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Adopted Arun Local Plan 2011 - 2031.

10 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, a 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 Adopted Arun Local Plan 2011 - 2031.

11 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- a) An indicative programme for carrying out of the works;
- b) Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
- c) Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, the careful selection of plant and machinery and use of noise mitigation barrier(s), to be in accordance with BS5228:2009;
- d) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- e) The parking of vehicles of site operatives and visitors;
- f) Loading and unloading of plant and materials, including permitted times for deliveries;
- g) Storage of plant and materials used in constructing the development;
- h) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- i) A dust management plan produced in accordance with the Institute of Air Quality Management (IAQM) 'Assessment of dust from demolition and construction (2014);
- j) A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Adopted Arun Local Plan 2011 - 2031.

12 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Adopted Arun Local Plan 2011 - 2031.

13 No external lighting shall be installed until details have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

The lighting scheme shall be designed to meet biodiversity requirements and shall identify

those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

Reason: To protect the appearance of the area and local residents from light pollution and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats and species).

- 14 No development shall take place until the applicant has secured the implementation of a programmed of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: The site has the potential to contain unknown remains of archaeological importance which must be investigated in accordance with Policy HER DM6 of the Arun Local Plan 2011-2031.

- 15 a) Prior to the commencement of development details showing the proposed location of the required fire hydrants shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.

b) Prior to the first occupation of any units forming part of the proposed development the applicant will at their own expense install the required fire hydrants in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of fire fighting.

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 TSP1 of the Arun Local Plan 2011-2031 and in accordance with The Fire & Rescue Service Act 2004.

- 16 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (The Ecology Co-op, November 2022) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out in accordance with the approved details.

Reason: To conserve and enhance protected and priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats and species).

- 17 Prior to the commencement of development a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority.

The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of "biodiversity protection zones";
- c) Reptile Method Statement;
- d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- e) The location and timing of sensitive works to avoid harm to biodiversity features;
- f) The times during construction when specialist ecologists need to be present on site to oversee works;
- g) Responsible persons and lines of communication;
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- i) Use of protective fences, exclusion barriers and warning signs; and
- j) Containment, control and removal of any invasive non-native species present on site.

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

Reason: To conserve protected and priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats and species).

- 18 Prior to the commencement of development above slab level a Biodiversity Enhancement Strategy for protected and priority species prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the Local Planning Authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) Detailed designs or produce descriptions to achieve stated objectives;
- c) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

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

Reason: To enhance protected and priority species & habitats and allow the Local Planning Authority to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

- 19 Prior to beneficial use of the development a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;

- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for the implementation of the plan; and
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats and species).

- 20 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any statutory instrument revoking and re-enacting that Order with or without modification the buildings hereby approved under this planning permission shall not be used for any use whose primary purpose is the receiving; processing and distribution/delivery of parcels and packages ("a parcel distribution use") within Use Class B8 (Storage and Distribution) unless the applicant has submitted an has had approved in writing by the local planning authority (in consultation with the local highway authority and National Highways) an addendum transport assessment which has been prepared in accordance with DfT Circular 01/2022 which assesses the impact of a parcel distribution use. The addendum transport assessment shall identify any necessary mitigation scheme(s) and this approved mitigation shall be implemented in full and open to all traffic prior to first use of the unit(s) as a parcel distribution unit.

Reason: To ensure that the A27 trunk road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980, to satisfy the reasonable requirements of road safety.

- 21 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 the building shall not be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

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. This is required to be a pre-commencement condition because it is necessary to implement the foul water drainage system prior to commencing any building works.

- 22 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. Design considerations must take full account of the 'Supplementary Requirements for Surface Water Drainage Proposals' produced by Arun District Council, and are an overriding factor in terms of requirements. 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 / No part of the extended 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.

- 23 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.

- 24 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.

- 25 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 and in accordance with policies W SP1,W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 26 Prior to the commencement of the development, the applicant shall submit an Employment and Skill Plan for the development to be approved in writing by the Local Planning Authority. Following approval, the developer will implement and promote the objectives of the plan.

Reason: In accordance with Policy SKILLS SP1 of the Arun Local Plan. It is necessary for this

to be a pre-commencement condition as it relates to the construction phase of development.

- 27 **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 infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance, as per <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>, on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus 40%) between the invert of the entry pipe to the soakaway and the base of the structure. All surface water drainage designs must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 45%).

Freeboard is to be provided between the base of the infiltration structure and the highest recorded groundwater level identified in that location. Ideally this should be 1 metre where possible, as stated in the CIRIA Suds Manual guidance. However, on the coastal plain in particular, where geology dictates and where shallow perched/tidally influenced water tables are often present, this is unlikely to be achievable irrespective of this, infiltration must still be fully considered. Therefore, to maximise this potential and avoid utilising other less favourable methods of surface water disposal, the bases of infiltration structures are permitted to be immediately above the peak recorded groundwater levels where it is deemed necessary.

In areas where an aquifer is to be protected (subject to guidance from the Environment Agency) then a minimum 1 metre freeboard must be provided.

Suitable water treatment is required upstream to the point of discharge in all circumstances to minimise any groundwater pollution risk or detriment to the drainage network.

Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest groundwater table in support of the design. The applicant is advised to discuss the extent of ground water 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. Reference should also be made to the 'West Sussex LLFA Policy for the Management of Surface Water'.

- 28 **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), 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.

- 29 **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.

- 30 **INFORMATIVE:** A surface water drainage verification condition guidance note is available at <https://www.arun.gov.uk/drainage-planning-consultations>, this clearly sets out our requirements for discharging this condition

- 31 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 32 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.
- 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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.](https://www.arun.gov.uk/weekly-lists)

BE/150/22/OUT - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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