

REPORT UPDATE

Application No: A/39/23/PL

Reason for the Update / Changes

REPORT UPDATE - Committee 26 March 2025

This application was originally presented to Planning Committee 13 December 2023 at which time the committee voted to approved the officer recommendation, which was:

That delegated authority be given to approve the application subject to no objection being received from the Council's Drainage Engineers.

Following the decision of committee the application has been the subject of prolonged negotiation between the applicants, Environment Agency and Council's Drainage Engineers to seek resolution to the drainage issues. Despite this, objections remain from the Environment Agency and the Council's Drainage Engineers who have provided the following comments in their most recent consultation responses:

ENVIRONMENT AGENCY (06.02.2025)

As submitted the development poses an unacceptable risk to life and/or property from flooding. We object to this application and recommend that planning permission is refused.

WSSC LEAD LOCAL FLOOD AUTHORITY (17.02.2025)

No objection subject to conditions.

DRAINAGE ENGINEERS (03.03.2025)

Objection - Insufficient information has been submitted to determine whether the proposed layout and associated surface water drainage for the site will increase flood risk.

The supporting ground investigations are not comprehensive enough to demonstrate confirmed disposal methods in accordance with the hierarchy for sustainable drainage. Due to lack of certainty regarding disposal and the limitations of the layout, the designer is proposing a surface water pump to achieve a connection to the outfall.

The SuDS Manual and the SuDS: non-statutory technical standards for design both indicate that pumps should be used as a last resort. The designer is aware of the Council's Engineers resistance to the use of pumps and yet the design still proposes deep attenuation tanks. The layout of the development means that pipes are longer because they are directed around buildings. Both factors have made the use of a pump more likely.

It appears that the drainage of the site is being coordinated to conform to a proposed layout rather than to inform it. This means that unsustainable drainage features are being imposed upon a site where they may not be necessary.

There are still concerns regarding the conflict between flood compensation and the surface water drainage design.

FLOOD RISK AND DRAINAGE

As identified above objections have been raised by both the Council's Drainage Engineers and the Environment Agency (EA) on flood risk and the surface water drainage proposals.

The site falls within Flood Zones 3 and 2 and it has been identified by the EA that the proposals would result in a risk to life and/or property, in upstream and/or downstream locations from fluvial inundation were the development to be permitted.

The reasons provided for this is that the proposed floodplain compensation area is located within the designed flood extent which is inappropriate. Flood compensations should be located outside but adjacent to the design flood extent taking into account climate change.

In addition, it has been advised that the current design does not allow for free movement of flood water into and out of the floodplain compensation area but rather through a control structure. This is necessary to allow the compensation to act as an extension to the current floodplain. Using a control structure introduces the risk of blockage, failure or lack of maintenance which would result in the compensation area not being effective and increasing flood depths/levels elsewhere.

The conclusions of the Environment Agency are supported by the Council's Drainage Engineers who have also raised objections to the use of a control structure and conflicts between the drainage design and flood compensation areas. Objections have also been raised due to insufficient ground investigation being carried out, it has been noted that additional infiltration was undertaken but this was not in accordance with guidance and as such cannot be used to inform the design of the drainage system.

Due to the uncertainty regarding disposal and the implications of layout the drainage scheme is reliant upon pumps which is also not supported by the Council's Drainage Engineers. Whilst the SuDS manual acknowledges that pumps can be used as a last resort it is expected that all possible alternatives are considered, including reconfiguring the layout to avoid their use.

It has been advised by Engineers that, due to their in principle objection to the drainage scheme, insufficient ground investigations and conflict with natural drainage characteristics and sustainable drainage hierarchy the drainage scheme has not been fully reviewed and as such objections could be raised to drainage rates and volumes, contributing areas and biodiversity, amenity and interception drainage.

Therefore, due to the objections raised by the Environment Agency and the Council's Drainage Engineers it is recommended that the application be refused for the reasons set out below.

1. The proposed development has failed to adequately demonstrate compliance with the SuDS hierarchy due to insufficient groundwater information. This has resulted in a lack of certainty regarding the proposed discharge rates and volumes to the watercourse as well as disposal and storage locations which results in a reliance upon pumped solutions. In the absence of this information the proposals are deemed to conflict with policies W SP1, W DM2 and W DM3 of the Arun Local Plan, the National Planning Policy Framework and the associated PPG on Flood Risk (including the The SuDS Manual at paragraph 057).

2 The proposed combined flood compensation and conveyance of surface water from the site means that water flows into the flood compensation area will be restricted by the outflow pipe and hydrobrake chamber. As water will not be able to flow freely in a flood event the compensation will not perform as designed. The use of a control structure will increase the risk of blockage or failure which would result in the compensation area not being effective and increasing flood depths/levels elsewhere. The proposal conflicts with policies W DM2 and W DM3 of the Arun Local Plan, the National Planning Policy

Framework and the associated PPG on Flood Risk (including the The SuDS Manual at paragraph 057).

REPORT UPDATE - Committee 13 December 2023

Reason for Update/Changes:

1. A letter of representation has been received which has raised concerns with the conclusions in relation to the railway crossing. The representation states that a financial contribution should have been secured towards mitigating the increase in risk associated with the development and the existing railway crossing.
2. A number of amendments have been identified for the following conditions:

Condition 2 - Removed the existing plans from the list of approved drawings.

Condition 24 - The wording has been amended as to the trigger point for the planting to be implemented.

Condition 25 - Removed the word dwelling.

Officers Comment:

1. The consultation response from Network Rail does not raise any objection or specifically request that mitigation is necessary or that it should be secured as part of this planning application. The response identifies that the risk category post development would remain unchanged despite the 5 additional users (10 additional crossings) per day.

Therefore, the view of the Local Planning Authority remains that the increased risk does not generate sufficient harm as to warrant closure of the crossing and diversion of the Public Right of Way (PROW).

2. No further comments.

Note: The amended condition wording is shown on the attached updated recommendation sheet.

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: A/39/23/PL

LOCATION: Land west of Brook Lane and South of A259
Angmering
BN16 3JL

PROPOSAL: Demolition of existing structures on site and the erection of an employment park for Use Class E(g)(ii) and B8 floorspace with ancillary offices and structures, delivering the enabling works phase, public right of way diversion, associated access, reptile re-location, drainage and landscaping scheme, followed by the delivery of each development parcel via severable phases. This application is in CIL Zone 4 (zero rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>This application seeks the erection of a purpose-built employment park with ancillary officers, and associated access arrangement. The proposed development seeks the erection of 6 no. buildings comprising 18 no. employment units which vary in size, to be used as Use Class E(g)(ii) - Research and Development of Products or Processes and Use Class B8 - Storage or distribution.</p> <p>The proposal also includes the demolition of existing structures on site, the diversion of the existing rights of way, reptile re-location, and the erection of 2 no. substations to support the infrastructure requirements, together with associated access, drainage and landscaping.</p>
SITE AREA	4.35 ha.
TOPOGRAPHY	The topography of the site is generally flat and is at a lower level than the A259 to the north of the site and lower than Mill Lane to the east.
BOUNDARY TREATMENT	The site is bounded to the east by Brook Lane and to the west by the A259. There are trees of varying size along the site boundaries.
SITE CHARACTERISTICS	<p>The site is defined by the A259 bypass to the north and railway line to the south. The site is serviced by a single, left-in/left-out access from the A259 leading to Brook Lane, which becomes Penfold Lane as it progresses further into the site. This single track provides access to an existing dwelling and associated outbuildings that are located on the northern boundary.</p> <p>A Public Right of Way runs through the site, providing access across the railway line. The site currently contains a small, portal-framed agricultural unit on the northern boundary, which is adjacent to Footpath 2160.</p>
CHARACTER OF LOCALITY	The character of the locality is varied with the A259 abutting the northern boundary of the application site. Land to the east is currently undeveloped but is the subject of a planning application for the construction of an A1 retail unit as well as an A3/A4 unit. Further east is Manor Retail Park. The railway line runs along the southern boundary of the site with a residential estate located to the south along with an allotment. A mixture of commercial uses are located to the south-east.

RELEVANT SITE HISTORY

A/46/18/RES	Approval of reserved matters following outline consent A/169/17/OUT for access. This application also lies within the parishes of Littlehampton & Rustington.	Refused 07-02-19
		Appeal: Allowed+Conditions 09-09-19

REPRESENTATIONS

ANGMERING PARISH COUNCIL - APC feels that this proposal is better than previous applications and will fulfil the much needed employment sites and opportunities within the District. However, it feels that there is a much needed highways link within the entire employment site from the BMW dealership to this proposed site for HGV and other motor vehicles activity.

APC note, "In the interest of safety, a through link for cyclists and pedestrians from Sainsbury to this site must also be considered, there is no footpath along the A259. This site can also be accessed by pedestrians as there is a public transport link to Sainsbury.

These links will ease the pressure on a very busy A259 but the design of the entrance into this site must be reconsidered so that there is no queuing off or onto the A259 and that vehicles can leave the site in safety without impeding the flow of A259 traffic. Access to this site across the main Angmering to Littlehampton rail line must be considered for cyclists and pedestrians coming from the parishes south of the site.

Consideration of this link and the crossing of the rail line will have a good impact on the economy of that area, the Parish and District and enable a safer access for those residents south of the rail line".

As this site is within the parish of Angmering APC feels that all CIL and S106 monies accrued must benefit the parish of Angmering and be not diverted elsewhere.

The Parish Council also note, consideration must be paid to the nature of this site and that design must incorporate an area to encourage nature and wildlife together with a SuDs or Pond to capture any flooding that may from time to time occur.

LITTLEHAMPTON TOWN COUNCIL - Acknowledge that this would also boost employment opportunities' locally, the proposed business park was viewed as preferable to the residential/care home development previously proposed. Members wished to be assured that the arrangements for commercial traffic merging with the A259 were sufficient to allow for safe use by all vehicles entering and exiting the site. Members also consider that the site could be vulnerable outside of business hours and therefore also wished to be assured that measures would be put in place to protect against antisocial driving and security breaches. Therefore, subject to receiving assurances on these points the committee had no objection to the Plans.

14 representations have been received, these have been categorised and summarised as below:

Level Crossing/ROW

- In the previous application the dangerous pedestrian level crossing for the public right of way across the railway line was going to be replaced by a footbridge. This seems to have been deleted from the latest application.
- The public not only have to navigate across a railway line but also have to cross the increasingly busy A259 at a point where visibility is poor, both for the pedestrian and the drivers. This application now adds to the problem of negotiating through and 'employment' park with unattractive industrial buildings and increased traffic possibly including lorries.
- The most obvious route from the most populated area as is from the Worthing Road down a muddy track and over a basic ungated crossing over the railway. Any intensification of the use of that crossing needs a footbridge to be installed to ensure peoples safety.
- There is the Network Rail objection due to viable safety concerns around an established crossing point that exists on this land, that cannot be moved, nor its use changed.

Highway

- The stretch of the A259 alongside this site is presently 70mph. A new junction is planned for entrance and exit at the fastest point of the road. The speed limit probably needs reassessment.
- With no contribution to improve or contribute to improving the local road infrastructure this cannot go ahead. The recent works in Littlehampton have already been a failure with the bottleneck of traffic at the roundabouts and adding more cars in the area will gridlock all the roads.

Archaeological

- The desk top archaeological report shows that the ground had neither been built on nor investigated and as such the possibility of there being Bronze Age, Iron Age or Roman archaeological material is high. Such material could tell us a great deal about the history of this area and should not be disregarded.

Contamination/Flooding

- The area of ground is contaminated and floods. There is more than enough building work going on in this area.
- There isn't the infrastructure to accommodate this. There is far too much pollution and traffic in the area now.
- There is a considerable increase in light and noise pollution now.
- The area has been more or less water meadows and has often flooded, it is fit only for pasture not for housing or industrial use.
- Dramatically destabilising a natural flood plain, in an area with crucial need of the existing flood plain imminent flash flooding with large rood area catchment discharge.

Ecology

- Will be carving up more greenspace and getting rid of more trees and local wildlife.
- There are some ecological rich parts of this site and the site also plays an important role in absorbing rainfall. These issues need proper attention.
- The proper protection of watercourses from any industrial contamination needs proper consideration.
- No more wildlife should suffer when the proposal is inadequate and doesn't contribute but hinders the local people.
- Stop building on green spaces, there is already not enough trees or spaces for wildlife.
- This would destroy a natural area providing habitats for various bird and animal species.
- We have lots of wildlife and birds of prey who live/nest on this green space as so few spaces like this exist now.
- The loss of the natural wildlife environment, small birds and insect decline. bat flight feeding areas lost.

Employment

- Important to assess the need given the employment land which has been and will be built out as part of the Local Plan on the North Littlehampton development.
- The development is not needed and its use as a retail park would be surplus to local requirements the developers owning the current land either side of the proposal does not validate its need.
- There is an already established site along the A259 within a mile radius that has many empty industrial/warehouse/retail units that cannot be filled. If the developers claims of employment and need were valid then these already established units would not be vacant. This is also the case that numerous vacant retail/industrial units exist at established parks within two other areas of Littlehampton.
- There are enough units on our estates already empty. Our open spaces are disappearing so fast and soon there will be none left for our children and grandchildren to enjoy.
- Why build more office space when you have a large old empty Waitrose in Littlehampton and same again at Morrison those could be office spaces with lots of car parking spaces.

Amenity

- It is highly unsuitable to propose a sports/leisure venue of other uses providing unsociable hours as this site borders established residential housing and will also be adjacent to the recently agreed proposed developers care home and new housing.
- Need some space to walk and enjoy but everywhere you go not in this area they are building with no infrastructure.
- Overbearing 14m warehouses obscuring views of the South Downs.
- As many properties of parklands overlook this field the construction of commercial properties would significantly reduce the value of said properties of this prestigious Hargreaves development.

Noise

- It would increase noise and traffic in an area that is already suffering from noise and traffic volumes.
- It is imperative to understand that the existing housing on this perimeter is different to most as it consists of 3 floor residential town houses and no amount of proposed screening or noise reduction measures and reduce this impact as these houses have an elevated aerial view. For this reason alone, a retail park should never be granted planning permission here, additional housing may be an option but not a retail park.
- There is already a large amount of noise pollution from the main road and with additional building work and then industrial units of this size placed there, will cause long term problems for the families who live opposite.
- Industrialising a peaceful residential development, with increased commercial vehicular traffic. Warehouse operational pollution of noise (forklifts operating at all hours, vehicles arriving/leaving operatives shouting) and flood lighting.

Other matters

- The over development of Rustington is evident from the strain on road networks, hospitals dentists, schools and other public government resources in the locality. To agree a retail site would only add to this pressure of increased footfall when currently resources already cannot cope especially at peak tourism times.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ARCHAEOLOGY ADVISOR - Conditions required.

Agree with the findings and conclusions of the archaeological desk-based assessment with regard to the potential impact of this proposal on deposits of interest. It is also agreed that the archaeological presence should be evaluated through a programme of geophysical survey and targeted trial trenching in advance of development in order to identify significant deposits that might be present and to enable the implementation of appropriate measures for their preservation, i.e. either in-situ or through further investigation, recording and publication. This process would be best secured following the imposition of an appropriate condition.

ECOLOGY - Conditions required.

Initial comments raised an objection to the proposal, due to insufficient ecological information on European Protected Species (bats) and Protected Species (reptiles and water voles). In response, updated ecology reports were submitted. No objection is now raised subject to securing biodiversity

mitigation and enhancement measures secured by condition.

ECONOMIC DEVELOPMENT: No objection.

Economic Development are aware of the shortage of suitable units to allow existing companies based in the area to expand or new businesses to locate. This scheme provides a range of units of varying sizes which would allow both growth and inward investment, in turn, providing and protecting employment for local people. Arun's Economic Strategy seeks to protect local jobs as well as encouraging inward investment. On the basis that this application does both Economic Development are in support.

ENVIRONMENTAL HEALTH - No objections to this application in principle subject to conditions.

DRAINAGE - Holding objection.

Further information required from the applicant to be provided on how the risk of surface water flooding will be mitigated and managed ensuring the indicated surface water flooding does not impose any risk on the proposed development or the surrounding areas. Additional information has been submitted and a consultation response is awaited.

Environment Agency - awaited

NATURAL ENGLAND - Comments received - No comments to make on this application.

NATIONAL HIGHWAYS - No objection.

Initial comments raised concerns that the proposal could have potential to impact on the safe and efficient operation of the SRN, in this case within the vicinity of the A27 near Angmering. Following the submission of additional information - no objection is raised to the proposal.

NETWORK RAIL - No objection.

Following review of the proposal concerns were raised in regard to drainage and in regard to the Level Crossing. In regard to Drainage the following concerns need to be addressed:

1. Capacity Assessment for Ditch
2. Anticipated Surface Runoff
3. Attenuation Ponds
4. Exceedance Route.

It is also considered that the proposal is likely to increase the use of Brook Lane footpath level crossing consequently increasing the risk to the public and operational railway. The applicant should provide the details of how many employees and customer this development will cater for.

Additional information has been submitted in regard to drainage. Network Rail drainage team have reviewed the additional documents and have no concerns related to the drainage matter. In regard to the Brook Lane Level Crossing, whilst no raising an objection per se, confirm as a result, it is expected that the proposed development will increase the use of the crossing and consequently the risk to public and operational railway

PARKS AND LANDSCAPE - No objection.

Initially it was noted that application has not provided the detail of landscape proposals which would be a requirement of any submission in order to show greening and potential screening. The proposed landscape scheme will be required to be submitted in plan form detailing species choice, quantities, planting densities and size at time of planting. Following the submission of further information, the biodiversity enhancements and landscape details are suitable and sufficient in detail and would not require the condition of further details.

SOUTH DOWN NATIONAL PARK - No objection.

Given that the development site is located some distance from the SDNP and is on the south side of the A259, no comment is raised on the principle of the proposal. However, if the Council is minded to granted consent, it is recommend that consideration be given to the International Dark Night Skies Reserve and dark night skies, which are a special quality of the National Park.

SOUTHERN WATER - No objection.

The supporting documents make reference to drainage using SUDs. The initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

SUSSEX POLICE - No objection.

Comments offered in regard to: CCTV, the installation of an intruder alarm, cycle storage, parking areas and ground planting.

WSCC- HIGHWAYS - No objection subject to condition.

Initial comments requested more information in regard to: off site cycle link connectivity including drawings; on site PROW widths and cycle usage across the site and Minor amendment to travel plan. Additional information was provided to address items raised. No objection raised subject to conditions.

WSCC - PUBLIC RIGHT OF WAY - No objection.

Initial comments raised an objection/more information, in regard to Footpath 2159 and Footpath P2160. Additional information was provided. Given the industrialisation of the site and both paths are to remain footpaths, the surface treatment. "SF4 Standard Asphalt surfacing colour standard block/grey" is acceptable. This treatment will apply to the full length of both PROWs within the site. The widths of both may be set at 2 metres as long as the management plan is in place to ensure vegetation does not encroach upon that width.

WSCC - LOCAL LEAD FLOOR AUTHORITY - No objection subject to conditions.

An initial objection was raised in the absence of an acceptable FRA & Drainage Strategy because it was not in accordance with the NPPF, PPG Flood risk and coastal change or local policies. Additional information was provided to address the concerns raised. The LLFA are satisfied that the applicant has sufficiently addressed the requirements and is in accordance with NPPF and local planning policy, therefore no objection is raised subject to conditions.

WSCC FIRE AND RESCUE - No objection subject to a condition in regard to fire hydrants.

WSCC MINERALS AND WASTE - No objection.

COMMENTS ON CONSULTATION RESPONSES:

In regard to trees, the Council's tree officer raised no objection at outline stage subject to conditions. This application proposes no significant changes in regard to trees to warrant coming to a different conclusion.

POLICY CONTEXT

Designation applicable to site:

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
CSP1	C SP1 Countryside
HERDM4	HER DM4 Areas of Character
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
DSP1	D SP1 Design
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
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
LANDM1	LAN DM1 Protection of landscape character
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
SKILLSSP1	SKILLS SP1 Employment and Skills
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TDM1	T DM1 Sustainable Travel and Public Rights of Way
TDM2	T DM2 Public Parking
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WSP1	W SP1 Water

Angmering Neighbourhood Plan 2014 POLICY EH2 Protect the Landscape setting of the South Downs National Park

Angmering Neighbourhood Plan 2014 POLICY EH3 Flood Prevention

Angmering Neighbourhood Plan 2014 POLICY HD1 Built-up Area Boundary

Angmering Neighbourhood Plan 2014 POLICY HD4 Materials

Angmering Neighbourhood Plan 2014 POLICY HD5 Built Form

Angmering Neighbourhood Plan 2014 POLICY HD8 Parking for New Developments

Angmering Neighbourhood Plan 2014 POLICY TM2 Cycling Walking & Equestrian

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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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."

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

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The application site lies within the defined settlement boundary as shown within the Arun Local Plan and therefore commercial development would be acceptable in principle subject to other development plan polices being met.

In addition, the principle of development at this site was established through the grant of outline planning permission, allowed at appeal (Planning ref: A/44/17/OUT and appeal ref: /APP/3810/W/17/315128) for the erection of a mixed-use development comprising up to 90 no. residential dwellings and a care home. (Use Class C2 and C3 together with ancillary facilities.

Reserved Matters of appearance, landscaping, layout, and scale were subsequently approved under application reference A/26/21/RES (November 2021) as such this application is currently extant and could be implemented until 30 November 2023.

EMPLOYMENT

Arun Local Plan Policy EMP SP1 (Strategic Economic Growth) highlights the Council, with partners, will promote the sustainable growth of the Districts economy to meet the varying needs of different economic sectors. Angmering Neighbourhood Plan Policy ER2 (Local Employment) seeks to protect against the loss of employment uses, noting there is an identified lack of available and suitable employment within the Parish.

The proposal relates to the provision of a purpose-built employment park, totalling 9,316 sqm of commercial floorspace, comprising 18 employment units located between 6 buildings of varying sizes together with associated ancillary office areas situated at the first-floor level of the units. The employment units vary in size, ranging from 151 sqm to 3,055 sqm falling within Use Class E(g) (ii) (Research and Development of products or processes) and Class B8 (Storage and Distribution) uses.

The proposal provides additional employment opportunities and is an appropriate use for the site in accordance with employment policies. The scheme seeks to meet the requirements for small and medium sized business by providing a range of unit sizes, which facilitates opportunities for business start-ups as well as the expansion of existing businesses.

Commercial development has taken place to the east of the site up to Mill Lane within the same corridor between the A259 and railway line and industrial uses exist to the southeast of the site on the south side of the railway line at Rustington Trading Estate, Dominion Way. Therefore, the proposed development will not have an unacceptably adverse impact on the established character of the area and particularly the area immediately located to the east of the site. It is therefore considered that the principle of development on this site meets the policy objectives of policies EMP SP1, EMP DM1 and SKILLS SP1, and it is a suitable location for employment uses.

The proposal would also comply with Paragraph 81 of the NPPF (2023) which states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

PHASING OF THE DEVELOPMENT

The application is accompanied by a phasing plan (Drawing no 3712-SRA-XX-XX-D-A-PL-109 P5). This identifies 5 phases of works. Phases 1 - 4 sets out pre commencement works prior to Phase 5 which sets out the order for the construction of each unit.

Phase 1 - Enabling Works: - This involves the demolition of the existing structures and site clearance, together with (but not limited to) works of investigation in respect of land contamination and archaeology together with boundary landscaping works.

Phase 2 - Main Infrastructure Works: - These are works to Brook Lane North site access from A259.

Phase 3 - Main Infrastructure Works South: - These involves a balancing pond and associated landscaping; footpaths connection to railway crossing; electrical substation and pump station; and reptile relocation zone.

Phase 4 - PRow Alteration: - Alterations to the section of existing public right of way traversing Brook Lane Plot. The PRow to the east will remain in situ until the commencement of the relevant plot.

Phase 5 - Severable Construction Phases:

- Brook Lane Plot: East - Units 1 - 5
- Penfold Lane Plot: North - Unit 6
- Penfold Lane Plot: South-East - Unit 7
- Penfold Lane Plot: South - Unit 8a, 8b, 9a & 9b
- Penfold Lane West Plot: South-West - Units 10a, 10b, 10c, 10d, 10e, & 10f
- Penfold Lane West Plot: West Infrastructure
- Penfold Lane West Plot: West - Unit 11.

No objections are raised to the comprehensive phasing plan.

LAYOUT, APPEARANCE AND SCALE

Arun Local Plan Policy D DM1 requires the Council to seek to make the best possible use of land by reflecting or improving on the character of the site/surrounding area, taking account of scale, massing, aspect, siting, layout, density, building materials, landscaping and design features. The policy requires the scale of development to maintain the general confines of the overall character of a locality. Arun Local Plan Policy D SP1 "Design" requires development to make efficient use of land and reflect local character. Arun Local Plan policy LAN DM1 requires that new development repair or reinforce the character of the landscape.

The height of the buildings range between 12.6 metres to 14.7 metres from finished floor level, which would be an appropriate height in this location. The elevations would generally incorporate light metal cladding with proposed use of accent colours/timber for elevational definition and curtain walling to define entrances which would be in keeping with other units in the area.

It is noted that the proposal utilises existing site levels, the larger units to the west and north are positioned lower within the site to improve visual impact and perception from beyond the site. The smaller units with flexibility for B8/ R&D E(g)(ii) use are located closer to the entrance, whilst the two larger units designated for B8 use are set further back within the site against landscaping.

The overall density is lower than some surrounding developments which gives opportunity to benefit from retaining and enhancing the existing areas of hedging and trees.

The proposed warehouse building will be fully clad in dark grey vertically laid panels and curtain walling with contrasting light green cladding panels, to provide horizontal detailing to break up the elevations. The location of the ancillary offices to the front facade of each unit enhances the appearance and view of the units from Penfold Lane, improving legibility of the unit and providing a safe route of access for staff and visitors.

It is clear that the site layout has been influenced by the existing site analysis and site constraints have been retained and incorporated into the proposals. These general design principles are supported and are in accordance with the guidance within Arun Design Guide.

The design, elevational treatment and layout of the scheme proposed would be appropriate in this location. The height and separation and positioning of the units combined with the retained and proposed landscaping would mean that the units would not be overly prominent or obtrusive in their setting. The proposal would therefore be acceptable in accordance with policies D SP1 and D DM1 in this respect.

LANDSCAPE AND TREES

Arun Local Plan policy LAN DM1 states: "Development throughout the plan area should respect the particular characteristics and natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas." In addition, policy D DM1 requires developments to incorporate new tree planting and to improve upon character through landscaping.

Arun Local Plan policy ENV DM4 (Trees) highlights that where there are existing trees on or adjacent to a development site, developers will be required to provide a land and tree survey, a tree constraints plan, and an Arboricultural impact assessment (including a tree protection plan and Arboricultural method statement). Angmering Neighbourhood Plan Policy EH6 (Protection of Trees and Hedgerows) states development that damages or results in the loss of trees of Arboricultural and amenity value or loss of hedgerows and/or priority habitat, or which significantly damages ecological networks will be resisted, unless the need for, and benefits of, development in that location clearly outweigh the loss.

As noted in the Reserved Matters report (A/26/21/RES) there are no TPO or ancient trees in the site. The majority of trees and hedges to boundaries will be retained and enhanced with further planting set out in the landscaping strategy. The existing trees provide an additional landscape buffer to the north, clearly separating the site from the A259.

The site is more open to the south, though the existing tree screen will grow and become more established by the passage of time. The existing tree line and hedgerow that runs north south towards the west of the site also defines a further water course that is to be retained. The tree line provides a definitive edge to the development area, with the land to the west accommodating an existing pond which forms part of the site drainage strategy as established in the outline consent.

The application is accompanied by an Arboricultural report, together with landscape layout drawings and details. The Landscape layout shows the retention of existing wooded boundaries, enhanced for biodiversity and habitat connectivity and visual screening of the development. New tree planting is proposed totalling 174 new trees and native scrub and hedgerow species are proposed throughout the site and around the boundaries of the site, these contribute to achieving a Biodiversity Net Gain across the site which is addressed later in the report. Two new balancing ponds are also proposed in the south-east corner of the site to form part of the overall drainage strategy for the site.

The Council's Landscape Officer initially raised some concerns with regard to the landscaping proposed. It was noted that the indicative layouts showed the unit to the east of the existing residential property, the large unit to the east/southern boundary aspect and the access road to the southern boundary to be relatively close, the incorporation of a wider buffer zone in this location was advised. With the Council's Landscape Officer concluding that the submission of detailed landscape proposals is required. Following the submission of further details, the Council's Landscape Officer concur the landscape details submitted is comprehensive and details a well-thought-out scheme with keen consideration of biodiversity requirements. It was however, noted that the planting schedule remains unclear in a couple of areas. These being:

- The proposed native hedge mix is shown on the schedule only as a lump sum of species for the whole site. The sections of hedge to which this applies needs to be shown on the Planting plans 1 - 4 of 4 with the quantities (and not just %) for each area shown.
- The proposed ornamental hedge planting relates to the Escallonia Laevis again this needs to be detailed on plan with quantities show in each section.
- Rain Garden species details percentage mix only (on the plant schedule and no quants on the planting plans) and needs to be shown on plan with quantities of each in the locations shown (Sunny/part shade).

The Council's Landscape Officer concluded subject to these minor alterations the landscaping detail submitted is suitable for the location, sufficient in detail and would not require a condition for the submission of further information. Updated plans were submitted (13 September 2023) which addressed these minor alterations on this basis the proposal would accord with policies ENV DM4 and EH6 and Angmering Neighbourhood Plan Policy HD5.

BIODIVERSITY AND ECOLOGY

The site is part of a wider Biodiversity Opportunity Area. The land to the east of the site, beyond the railway line, is an allocated Biodiversity Corridor. Policy ENV DM3 of Arun Local Plan requires development in these areas to retain and sympathetically incorporate locally valued and important habitats and wildlife corridors and be designed to minimise disturbance to habitats. Angmering Neighbourhood Plan Policy EH2 sets out that new development immediately adjacent to the Biodiversity Corridors will only be supported where it can be clearly demonstrated that development proposals will not give rise to any significant harm to the integrity or function of the Biodiversity Corridors.

Arun Local Plan Policy ENV DM5 requires development schemes to achieve a net gain in biodiversity and protect existing habitats on site and incorporate elements of biodiversity such as hedgehog, bat, and bird boxes, as well as landscape features, minimising adverse impacts on existing habitats. Provided these are incorporated the scheme and up to date surveys are submitted it is likely the proposal would be compliant with these policy requirements.

In accordance with ENV DM5, a Biodiversity Net Gain Statement has been submitted with the application. The Council's Ecologist is satisfied the assessment demonstrates the proposals are estimated to result in a net gain in Habitat Units and Linear Units and the assessment has been carried out using the latest metric 4.0. It is estimated that the proposal will result in a net gain of 11.47% Habitat Units and 51.51% Linear Unit. The Biodiversity Net Gain will be secured within a Landscape and Ecological Management Plan (LEMP), which covers a 30-year period, secured by condition.

Concerns were initially raised in regard to the submitted ecological information in terms of bats, reptiles and water voles which had not been addressed. Following the receipt of additional information, the Council's Ecologist confirmed the updated water vole and reptile surveys are acceptable together with the Ecology Technical note in regard to the trees and bat roots potential. However, a bat survey of the existing buildings was still outstanding and required as the buildings are to be demolished. Following the receipt of the additional survey the Council's Ecologist confirms that they are now satisfied that there is sufficient ecological information available for determination of the application raising no objection to the proposal subject to five conditions these being:

- 1 - Action required in accordance with ecological appraisal recommendations;
- 2 - Prior to commencement: construction environmental management plan for biodiversity;
- 3 - Prior to commencement: landscape and ecology management plan;
- 4 - Prior to any works above slab level: Biodiversity enhancement strategy; and
- 5 - Prior to beneficial use: Wildlife sensitive lighting design scheme.

The proposal is in accordance with Arun Local Plan Policies ENV DM3, ENV DM5 and Angmering Neighbourhood Plan Policy EH2.

AMENITY

Arun Local Plan Policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance." Policy QE SP1 requires all development to contribute positively to the quality of the environment and ensure there is no negative impact on residential amenity. It is also necessary to have regard to paragraph 130 of the NPPF.

Arun Local Plan Policy QE DM1 outlines that for new noise generating development, the Council will require a noise report which provides accurate information about the existing noise environment, and the likely impact of the proposed development upon the noise environment. The report must also demonstrate that the development meets appropriate national and local standards for noise, as set out in Annex 1 of the Planning Noise Advice Document: Sussex, and any mitigation measures required to ensure noise is managed to an acceptable level.

The application is accompanied by a number of supporting technical documents, noise impact, air quality, and lighting. At present noise emitted from the A259 is partially screened by the existing landscape buffer to the north. Due to the location of the buildings along this boundary, the development will act as a further acoustic barrier, improving the ambient noise levels for the neighbouring residential development.

A noise assessment accompanies the application, this concludes that there is unlikely to be any building damage to the proposed commercial units associated with vibration from the adjacent railway line. Noise from the construction phase has the potential to be above fixed limits, therefore a Construction Environmental Management Plan (CEMP) is proposed which is predicated to ensure that noise levels associated with the construction phase are below the fixed noise limit criteria at nearby residential receptors.

The Council's Environmental Health Officer in regard to noise initially raised some concerns/questions, these related to the two proposed substations on site and the need for these to be considered within the noise assessment; the requirement for a Construction Environmental Management Plan (CEMP); details of the building services plant proposed and further details on the acoustic barrier. Following receipt of a noise technical response note, the Council's Environmental Health Officer raises no objection in regard to this element subject to conditions. Those conditions seek noise details, including acoustic specification of all fixed plant machinery and equipment associated with buildings services plant and details prior to commencement on the acoustic barrier to be erected along a section of the southern boundary of the development site.

Arun Local Plan policy QE DM2 refers to light pollution and requires that planning permission for proposals which involve outdoor lighting must be accompanied by a lighting scheme prepared according to the latest national design guidance and relevant British Standards publications. The Policy also sets out that outdoor lighting schemes will be considered against several criteria and hours of lighting will be restricted where appropriate.

A light assessment report accompanies the application. This report concludes that the dark skies assessment illustrates that the upward light ratio for the proposed development is 0.0%. This is below the 2.5% upward light ratio for the Environmental Zone E2, these are areas within a rural surrounding such as village or relatively dark outer suburban locations. Section 5.1 of the lighting assessment sets out the indicative lighting plan. The Council's Environmental Health Officer raises no objection to this element of the proposal subject to a 'prior to occupation' condition in regard to predicated illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed in the scheme are achieved.

In regard to air quality, it is inevitable with any development that the construction phase of a development will have potential for dust emissions from the site activities such as the earth works. An air quality assessment accompanies the application, the report presents the findings of an air quality assessment undertaken to assess road traffic emissions and construction dust impacts. Following a review of the noise assessment, the Council's Environmental Health Officer initially raised some concerns/questions in regard to the monitoring data used within the report; HGV emissions; more details were required on how the calculated emissions mitigation cost will be spent on the development on actual measure to reduce vehicle use; and dust mitigation.

Following receipt of an updated air quality report, the Council's Environmental Health Officer raises no objection to the proposal subject to a 'prior to development condition' requiring a Construction Management Plan.

ACCESS, PARKING AND CONNECTIVITY

Penfold Lane is proposed to be enhanced and expanded to create a new service road, connecting the proposed commercial units to the local highway network in addition, it is also proposed to provide access to the neighbouring residential unit to the west. The existing Public Rights of Way (PRoW) through the application site is also proposed to be diverted in part, in order to align with the upgraded pedestrian infrastructure along Penfold Lane (Footpath 2159 and Footpath 2160). The existing footway/cycleway on the A259 will link to the consented development to the east of the site, sharing the same access.

The proposed access arrangement into the site (Penfold Lane) reflects that of the approved Reserved Matters application, (A/83/18/RES); this provides for a new, improved junction between Brook Lane and the A259, as well as a new roundabout that affords access to the land east of Brook Lane in the event of future development. The existing footpaths to the site connect the retail centre at Manor Retail Park and Rustington Retail Park, as well as other employment areas such as Rustington Trading Estate to the south on the opposite side of the railway line. Footpath 2159 starts south of the rail line, heading north-west across the site, where it divides, with footpath 2160 heading almost due north, crossing the A259 and providing access to the land around Ham Manor Golf Club and Angmering village.

Policy T SP1 states that development should incorporate appropriate levels of parking in line with adopted guidance on parking provision and the Arun Design Guide taking into consideration the impact of development on on-street parking. Since then, the Arun Parking Standards SPD (January 2020) has been adopted. Angmering Neighbourhood Plan policy HD8 which relates to parking for new development supports the parking standards and encourages all new development to adhere to them.

It is proposed that the 18 units for B8/Class E(g) (office) use, totalling 9.316 sqm would have 196 car parking spaces, comprising 15 accessible spaces (5% of the total) and 64 no. active electric vehicle charging spaces (30% of the total) with passive provision for additional spaces to allow for further electric vehicle charging in the future. A total of 60 secure covered cycle parking spaces are also proposed situated in proximity to the unit's pedestrian entrances.

These parking levels are in line with those identified in Arun's Parking Standards which require 1 space per 100sqm for B8 uses. Cycle parking should be provided at 1 space per 500 sqm for staff and 1 space per 1000sqm for visitors.

WSCC Highways initially raised a holding objection requiring further information. Following receipt of this information WSCC Highways confirm they have no objection to the proposal subject to a unilateral undertaking in regard to travel plan financial cost and conditions.

FLOOD RISK AND DRAINAGE

Local Plan Policy W DM2 (Flood Risk) highlights development in areas at risk of flooding will only be permitted where all listed criteria have been satisfied. Policy W DM3 prescribes the criteria for developments which implement Sustainable Urban Drainage Systems. Angmering Neighbourhood Plan policy EH3 relates to flood prevention and seeks to ensure flood risk is mitigated and does not increase the flooding impact off site, incorporating sustainable urban drainage systems where appropriate.

The majority of the site is located within Flood Zones 1, a small area of the site to the north-east (close to the river back ditch) is located within Flood Zone 2/3. Flood Zone 1 is designated as low probability of flooding with a less than 1 in 1000 annual probability of flooding. Flood Zone 2 is designated a medium probability of flooding. Land in this zone has between a 1 in 100 and 1 in 1000 annual probability of river flooding. Flood zone 3 is distinguished as land which has a 1% or greater annual probability of river flooding or a 0.5% or greater annual probability of sea flooding. It is noted no buildings are located within the identified Flood Zones 2/3.

The application is accompanied by a Flood Risk Assessment and Drainage Strategy, this report has assessed the risk of flooding from different possible key sources. The report confirms that the proposal would result in an increase of the impermeable areas and to mitigate the increase in surface water discharge rate attenuation methods have been proposed.

WSCC Local Lead Flood Authority initially raised an objection in respect of the surface water drainage. Following an updated Flood Risk Assessment and Drainage Strategy (Dated August 2023) WSCC Local

Lead Flood Authority confirmed that they are satisfied that the applicant has sufficiently addressed concerns and the proposal is in accordance with NPPF and Local Plan policies subject to conditions. These being:

1. Prior to first use, construction drawings of surface water drainage network etc to be submitted and approved.
2. Maintenance and management details
3. Upon completion/prior to occupation survey and report required of surface water details.

The Council's Drainage Engineer also raised a holding objection in respect of the surface water drainage based on the original information submitted. Following the receipt of the updated Flood Risk Assessment and Drainage Strategy, the Council's Drainage Engineer was re-consulted. However, their comments are currently awaited and will be presented to Members as part of the written update prior to the committee meeting

Following a review of the original information provided, Network Rail raised a holding objection in regard to the level crossing and further details required in regard to Drainage/flooding.

Following the receipt of the updated Flood Risk Assessment and Drainage Strategy, Network Rail has been re-consulted. Network Rail drainage team have reviewed the additional documents and have no concerns related to the drainage matter.

FOOTBRIDGE

Many third-party comments refer to the provision of a railway bridge which was to be provided as part of the previous residential application. The red edged site plan for this application does not include the railway crossing and the application is silent on the provision of a bridge. As stated above Network Rail has issued a holding objection noting that "the proposal is likely to increase the use of Brook Lane footpath level crossing consequently increasing the risk to the public and operational railway. The applicant/developer should provide details of how many employees and customers this development will cater for".

These details have been in part addressed by Mayer Brown's response to Network Rail, which outlines there could be up to five employees that would arrive and depart the development site on foot via the Brook Lane footpath level crossing, suggesting that it is considered that the number of additional pedestrians that may use the Brook Lane footpath level crossing to access the proposed employment development would be minimal and not material to the safety of the crossing or operation of the railway.

In regard to the Brook Lane Level Crossing. Level Crossings are ordinarily risk assessed on a regular basis unless some trigger event occurs, sufficient to justify a standalone risk assessment being done. Typical examples include cases where the risk is likely to change by virtue of a new housing development nearby or if the train timetable changes.

The risk assessment process includes quantitative as well as qualitative risk assessment. In quantifying risk Network Rail uses a risk model called the All Level Crossings Risk Model (ALCRM) which is a complex system of algorithms developed by the Rail Safety & Standards Board (RSSB) and Network Rail

The ALCRM reports two measures of risk; collective risk and individual risk of fatality. Collective risk includes risk to members of the public, train passengers and train crew. It is given a value between 1 and 13 where 1 is very high and 13 is zero risk. Individual risk is the risk of a fatality to a crossing user and this is given a value between A and M, where A is very high and M is zero risk. Also, the total collective risk is expressed in terms of Fatalities and Weighted Injuries (FWI)

In regard to current use, the results showed a ALCRM Risk score of:

C - Individual Risk
4 - Collective Risk
0.001186392 - FWI

In regard to the proposed used based on an increase of 5 users the ALCRM Risk score was:

C - Individual Risk
4 - Collective Risk
0.000835487- FWI

In terms of Individual Risk and Collective Risk the introduction of 5 additional users would not change the ALCRM Risk score. However, there would be an increase the total collective risk when expressed in terms of Fatalities and Weighted Injuries (FWI). Notwithstanding this increase, Network Rail have not requested any mitigation measures to offset the increase use of the level crossing.

It is considered therefore that the modest increase in 5 users, is acceptable.

CLIMATE CHANGE

Arun Local Plan policy ECC SP2 requires residential and commercial development be energy efficient and should incorporate decentralised, renewable and low carbon energy supply systems. It states for major developments, 10% of the total predicted energy requirements should be produced from renewable/low carbon energy generation on site, unless it is demonstrated this is unviable.

Section 7 of the Design and Access statement considers the sustainability merits of the proposal, stating that the proposed buildings will meet current building regulations and performance standards, making them thermally efficient and reducing the energy demand required for both heating and cooling. The planning statement notes the provision of glazing to office areas, and rooflights in the main double height areas also reduces the lighting demand during hours of operation. The sites drainage design utilises preferred solutions from the SuDS hierarchy, using a series of rain garden, swales, permeable paving, and balancing ponds to provide an on-site attenuation strategy.

In regard to on-site energy the finer details which would include on-site energy generation and an energy statement demonstrating at least 10% of the total predicted energy requirements from renewable or low carbon energy generation would be reserved by condition.

ARCHAEOLOGY

Arun Local Plan HER DM6 relates to sites of archaeological interest, this policy states permission will only be granted where it can be demonstrated that development will not be harmful to the archaeological interest on the application site. An archaeology desk-based assessment dated September 2022 accompanies the application. The Council's archaeology advisor agrees with the findings and conclusion of the archaeological desk-based assessment with regard to the potential impact of the proposal on deposits of interested. It is also agreed that the archaeological presence should be evaluated through a programme of geophysical survey and targeted trial trenching in advance of development in order to identify significant deposits that might be present and to enable the implementation of appropriate measures for their preservation, i.e. either in-situ or through further investigation, recording and publication. No objection is raised in regard to archaeology subject to an appropriate condition.

CONTAMINATED LAND

Arun Local Plan policy QE DM4 states that prior to any development, the Council will require evidence to show that unacceptable risk from contamination will be successfully addressed through remediation

without undue environmental impact during and following the development.

A Geo-Environmental Desk Study report accompanied the application. The report found that there is potential for contamination to exist at the site due to its historic uses. The report recommended additional intrusive investigation to be undertaken on the site to determine what, if any, remedial measures are necessary. The Council contamination advisor raises no objection in this regard subject to a condition to secure further site investigations to be undertaken.

SUMMARY

For the reasons as set out above, the proposal is in accordance with relevant Development Plan policies (subject to outstanding consultee comments) and as such it is recommended that this application is approved subject to a Unilateral Undertaking to secure the financial contributions and the conditions below.

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.

CIL DETAILS

This application fall within Zone 4 and as other development is zero rated for the purposes of CIL.

RECOMMENDATION

REFUSE

- 1 The proposed development has failed to adequately demonstrate compliance with the SuDS hierarchy due to insufficient ground investigations. This has resulted in a lack of certainty regarding the proposed discharge rates and volumes, and the reliance on the use of a pumped solution to the watercourse. The uncertainty regarding the natural drainage of the

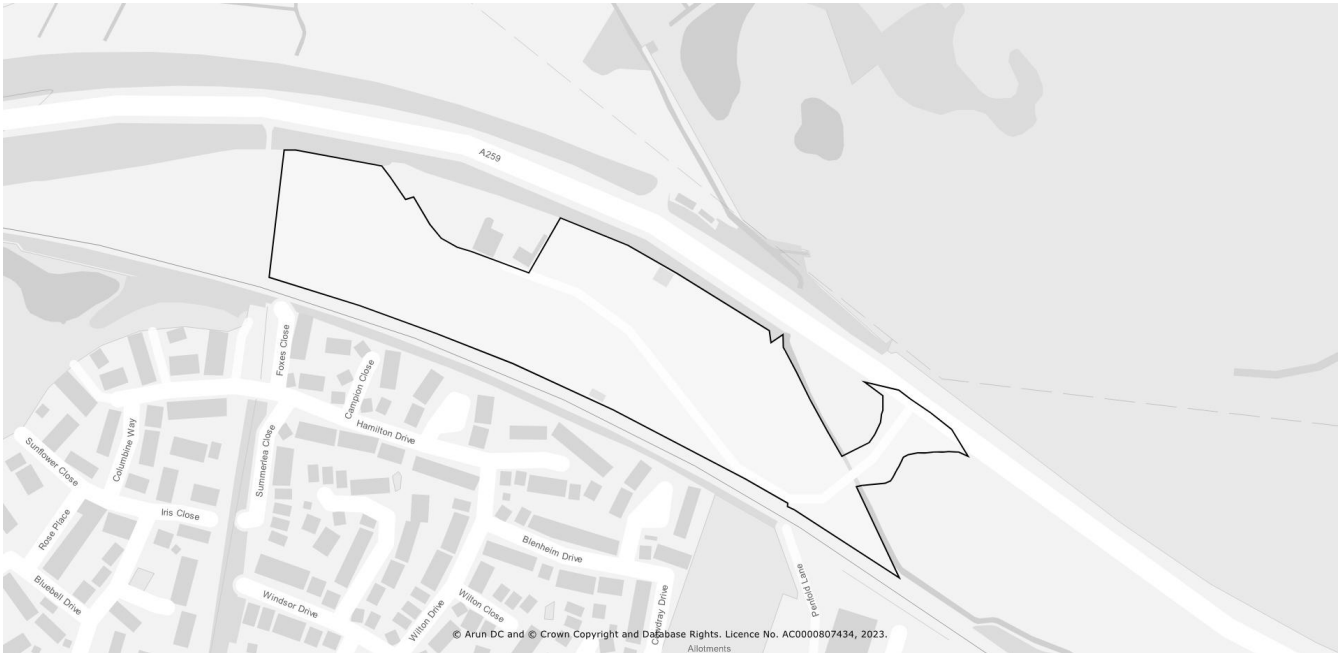
site means that the layout prejudices against preferential drainage methods which reduce flood risk, this is due to proposed buildings being located in areas which may be able to drain to ground. The proposed use of pumping without adequate justification means that energy consumption and therefore greenhouse gas emissions would be higher than if a more sustainable gravity based design had been proposed. The proposals and their justification are deemed to conflict with policies W SP1, W DM2 and W DM3 of the Arun Local Plan, the National Planning Policy Framework and the associated PPG on Flood Risk (which refers to the The SuDS Manual at paragraph 057).

- 2 The proposed combined flood compensation and conveyance of surface water from the site means that water flows into the flood compensation area will be restricted by the outflow pipe and hydrobrake chamber. As water will not be able to flow freely in a flood event the compensation will not perform as designed. The use of a control structure will increase the risk of blockage or failure which would result in the compensation area not being effective and increasing flood depths/levels elsewhere. The proposal conflicts with Arun Local Plan policies W DM2 and W DM3, the National Planning Policy Framework and the associated PPG on Flood Risk (including the The SuDS Manual at paragraph 057).
- 3 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm, which has been clearly identified within the reasons for the refusal, approval has not been possible.

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 by clicking on this link and clicking on View Documents.](https://www.arun.gov.uk/weekly-lists)

A/39/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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