

PLANNING APPLICATION REPORT

REF NO: BN/57/19/RES

LOCATION: Land East of Fontwell Avenue  
Fontwell Avenue  
Fontwell  
BN18 0SB

PROPOSAL: Approval of reserved matters for 3785sqm of light industrial floorspace (Class B1 (b)/(c)) following the grant of WA/22/15/OUT.

## SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>This application seeks approval of reserved matters following the grant of outline planning permission (WA/22/15/OUT) by the Secretary of State on 13 July 2017 for on land east of Fontwell Avenue, Fontwell.</p> <p>Approval is sought for the appearance, landscaping, layout and scale of the light industrial (Class B1(b)/(c)) element. The application does not include the residential, retail, community and public open space elements of the development. These are currently the subject of a separate application (WA/48/19/RES).</p>
SITE AREA	1.48 ha (approx.)
TOPOGRAPHY	The land falls in a south-westerly direction from 30m above ordnance datum (AOD) in the north-eastern corner to 24m AOD in the south-western corner.
TREES	<p>The north-western corner of the site contains Sycamore (x22), Field Maple (x6), Holly (x2), Holm Oak (x1), Hawthorn (x7), Elderberry (x4), Ash (x3), Monterey Pine (x1), Scots Pine (x1) and Corsican Pine (x5) trees. There is also an individual Corsican Pine tree located towards the centre of the site. These trees are the subject of a Tree Preservation Order (TPO/EG/1/14).</p> <p>Most of the trees are proposed to be retained and incorporated in the development. Some would be lost to facilitate safe vehicular access to the site from Arundel Road, as approved at the outline stage.</p>
BOUNDARY TREATMENT	The western and northern boundaries of the site are characterised by well established trees and vegetation. There is a hedgerow adjacent to the first residential property on the south side of Arundel Road. The eastern boundary continues southward across an open field, but it is not defined by any physical feature on the ground. Similarly, the southern boundary crosses an open field and is not defined by any

SITE CHARACTERISTICS	<p>physical feature on the ground.</p> <p>The site lies to the east of the Fontwell Park racecourse, Travelodge and Fontwell Avenue, to the south of the A27 Fontwell Services and Arundel Road, to the west of Fontwell village and to the north of fields that have been allocated for housing development. The site comprises open land, used primarily for grazing and equestrian activities in the past, with boundary trees and vegetation and an individual tree near the centre.</p>
CHARACTER OF LOCALITY	<p>To the north of the site lies the A27 Fontwell Services and Arundel Road. The service area includes fast food restaurants, a motel and a petrol filling station with a small supermarket. To the east lies Fontwell village. There are currently open fields to the south, which have been allocated for housing development. To the west lies Fontwell Park racecourse, Fontwell Park Travelodge and a public house/restaurant, all on the opposite side of Fontwell Avenue.</p> <p>The South Downs National Park (SDNP) is located to the north, beyond Fontwell Services, on the other side of the A27. The Sussex coast lies approximately 7.24km (4.5 miles) to the south.</p>

<b>RELEVANT SITE HISTORY</b>
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WA/22/15/OUT	<p>Outline application with some matters reserved to provide up to 400 No. new dwellings, up to 500 sqm of non-residential floorspace (A1, A2, A3, D1 and/or D2), 5000 sqm of light industrial floorspace (B1 (b)/(c)) &amp; associated works including access, internal road network, highway works, landscaping, selected tree removal, informal &amp; formal open space &amp; play areas, pedestrian &amp; cyclist infrastructure utilities, drainage infrastructure, car &amp; cycle parking &amp; waste storage. This application is a departure from the Development Plan &amp; also lies within the parish of Eastergate.</p>	<p>Called In by DCLG/SD 20-01-16</p> <p style="text-align: right;"><b>Appeal: Allowed+Conditions 13-07-17</b></p>
WA/1/19/PL	<p>Variation of condition 24 following the grant of WA/22/15/OUT (APP/C3810/V/16/3143095) to read 'No more than 150 units hereby permitted shall be occupied for more than two years lapse from the date of first occupation of the development (whichever is sooner) until the completion of the improvements to the A/27/A29 Fontwell Roundabout shown on Drawing Number 1186-05 REV A - Proposed Roundabout Improvements'. This application also lies within the parish of Eastergate.</p>	<p>ApproveConditionally 10-04-19</p>

**COMMENTS ON PLANNING HISTORY**

The outline planning permission (WA/22/15/OUT) was granted by the Secretary of State subject to obligations in a s.106 agreement and subject to 27 conditions.

Condition 1 requires details of the layout, scale, appearance and landscaping (the reserved matters) to be submitted to and approved in writing by the local planning authority before any development begins and the development to be carried out as approved. These details, as they relate to the light industrial (Class B1(b)/(c)) element of the development, are the subject of this application. Access was considered previously and approved by the Secretary of State.

At the time of preparing this report, there is a current application (WA/48/19/RES) seeking approval for the appearance, landscaping, layout and scale of the residential, retail, community and public open space elements of the development.

Condition 5 requires details of a scheme of phasing for the construction of the dwellings, associated highways and public areas to be submitted to and approved in writing by the local planning authority before development takes place. As well as identifying the order of commencement and completion of each phase, the scheme is required to identify the curtilage of the main commercial area of the development. There is no specific requirement for the curtilage of the main commercial area of the development to be approved before an application is made for the approval of reserved matters. However, it follows that if the current application is approved, a future application for the approval of details reserved by Condition 5 will need to show the same curtilage.

**REPRESENTATIONS****REPRESENTATIONS RECEIVED:**

Walberton Parish Council

Barnham & Eastergate Parish Council

**BARNHAM & EASTERGATE PARISH COUNCIL - Object**

- No objection in principle to commercial units on the site, which will help with employment opportunities in the area. Major concerns in two areas;
- Building considered to be too high and not an attractive design, even for an industrial unit;
- Categorical assurances needed that chemicals used within the factory setting will not be able to find their way into the local water supply.

**WALBERTON PARISH COUNCIL - No objection**

- The colour of the brickwork should be in keeping with other nearby properties to ensure that it blends in with the local environment.

**OTHERS**

12 representations have been received from 7 individuals; all objecting. The following issues have been raised:

- This is the wrong location for a factory;
- Additional traffic movements on the Fontwell Roundabout;
- Protection of drinking water will be put at risk by this factory;
- Dormice are present on the site and there has been no habitat survey or application for a licence from Natural England;

- More pollution, litter and parking problems in the village;
- The work is unlikely to benefit local people or the local economy;
- The proposed development, with its "very elevated profile", does not sit well within a rural setting;
- The additional carbon footprint created by this factory is not justified;
- Unacceptable to include a factory in a residential setting;
- Nuisance from noise;
- Odour from manufacturing processes and vehicle emissions;
- Unacceptable appearance and inadequate landscape and visual impact assessment;
- Risk of future intensification;
- Need to accommodate the turning movements of HGVs;
- Detrimental to the semi-rural appearance of Barnham and Eastergate Parish;
- Contrary to policies VE6 (Protection of watercourses), VE7 (Surface water management) and VE8 ('Unlit village' status) of the made Walberton Neighbourhood Plan;
- The applicant's operations fall within use class B2 rather than B1(c).

**COMMENTS ON REPRESENTATIONS RECEIVED:**

The representations are noted and are considered as appropriate in the Conclusions section of this report.

<b>CONSULTATIONS</b>
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- Ecology Advisor
- Engineering Services Manager
- Engineers (Drainage)
- Environmental Health
- WSCC Strategic Planning
- Parks and Landscapes
- Southern Water Planning
- Natural England
- Economic Regeneration
- Engineers (Drainage)
- Natural England
- Southern Water Planning

**CONSULTATION RESPONSES RECEIVED:**

WSCC Highways Authority: No objection is raised to the application, subject to three conditions to deal with the provision of car parking spaces, electric vehicle charging spaces and covered and secure cycle parking spaces.

West Sussex Fire and Rescue: Currently, the nearest hydrant is 290 metres away. The supply of water for firefighting for commercial premises should be within 90 metres. A condition to secure the provision of an additional hydrant is recommended.

Southern Water: The submitted plans show proposed tree planting within the standoff distance from public drainage apparatus. There are restrictions on proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Attention is drawn to Southern Water's published guidance.

Natural England: "Has no comments to make on this application". The application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

ADC Ecology Advisor:

- Satisfied with the information submitted in relation to the landscaping;
- No information has been submitted about the lighting strategy. The lighting scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

ADC Leisure & Landscape Officer: The application proposes a well thought out and comprehensive landscaping scheme with trees, hedges, native planting, shrubs, grasses and buffer edge. The proposed scheme contains a good mix which will provide softening/screening improving the setting, more so over time as the planting matures. The scheme is adequately detailed with quantities and size at time of planting, providing trees which will add instant impact, a species mix including both deciduous and evergreen which will add good biodiversity benefit to the site.

ADC Tree Officer: Objection. Insufficient information has been submitted with the application in the form of an Arboricultural Impact Assessment, including a 'Tree Survey Schedule', a 'Root Protection Area (RPA) Schedule' and a Tree Constraints Plan.

ADC Drainage Engineer: The application site is within the Lidsey Catchment. Recommended the imposition of a pre-commencement condition requiring full details of the proposed surface water drainage scheme to be submitted to and approved in writing by the LPA and no building to be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the approved details. A plan has also been requested showing a 10m buffer around the proposed attenuation pond as it may need to be made shallower to ensure there is some depth of cohesive material above the chalk to reduce the risk of contamination of the groundwater aquifer.

ADC Economic Development: Fully supported the original application and support remains.

ADC Environmental Health Officer: Raised questions about the content of a Construction Management Plan included with the original submission. The submitted Plan was subsequently withdrawn as a Construction Management Plan is the subject of a separate condition (No.19) on the outline planning permission (WA/22/15/OUT). EH have no comments on the revised plans.

#### **COMMENTS ON CONSULTATION RESPONSES:**

The consultation responses are noted and are considered as appropriate in the Conclusions section of this report.

<b>POLICY CONTEXT</b>
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Designations applicable to site:

Policy H SP2c Fontwell (SD6) Strategic Allocation

Built-up Area Boundary

Sharp Sand and Gravels Minerals Safeguarding Area (MSA)

Lidsey Waste Water Treatment Works Catchment Area

#### **DEVELOPMENT PLAN POLICIES**

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

DDM1      D DM1 Aspects of form and design quality

DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
LANDM1	LAN DM1 Protection of landscape character
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP1A	SD SP1a Strategic Approach
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WDM3	W DM3 Sustainable Urban Drainage Systems

[Barnham & Eastergate Neighbourhood Plan 2014](#) POLICY EE3 Support for new commercial uses

Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES10 Trees and hedgerows

Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES5 Quality of design

Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES6 Contribution to local character

Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA4 Parking and new development

#### PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

#### POLICY COMMENTARY

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

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

While the site lies within the designated Minerals Safeguarding Area and the Lidsey Waste Water Treatment Works Catchment Area, the policies related to these subjects are not directly relevant to the reserved matters the subject of this application.

The Barnham and Eastergate Neighbourhood Development Plan 2014-2029 was made on 16 July 2014. The outline planning permission (WA/22/15/OUT) was granted in the context of this neighbourhood plan.

Relevant Neighbourhood Plan policies have been taken into account and are addressed in the Conclusions section of this report.

#### DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that the site forms part of a strategic housing allocation inside the built-up area boundary.

As originally submitted, the proposal had negative effects in terms of its appearance and layout. However, these issues have been addressed through the submission of revised plans which accord with the policies of the Local Plan and with the NPPF.

#### **OTHER MATERIAL CONSIDERATIONS**

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

#### **CONCLUSIONS**

##### **PRINCIPLE**

A masterplan for the Fontwell strategic allocation has not yet been endorsed by the Council. However, the outline application (WA/22/15/OUT) was accompanied by an illustrative layout showing employment land in the north-west corner of the site, with a separate means of access from Arundel Road and a pedestrian/cycleway link to the proposed housing land to the south.

The principle of the development of this site became established with the grant of outline planning permission (WA/22/15/OUT) by the Secretary of State on 13 July 2017. Access to the site, from Arundel Road, was considered as part of the outline application and was also approved (Drawing numbered 1186-02 Rev. D).

The issues to be considered under the current application are matters of detail and relate to the appearance, landscaping, layout and scale of the light industrial (Class B1(b)(c)) element.

Policy EE3 of the Barnham and Eastergate Neighbourhood Plan 2014-2029 also supports development for Class B1 uses (including light industry), where the impact on surrounding residential and community amenity is acceptable and other policy considerations are complied with.

##### **LAYOUT**

Policy D SP1 of the Arun Local Plan 2011-2031 requires all development proposals to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Policy D DM1 states that the Council will have regard to various aspects of form and design quality when considering proposals for development, including layout both in terms of movement and legibility.

The application proposes closure of the existing site access on the northern boundary and the construction of a new access to the east on Arundel Road, in accordance with the plan approved at the outline stage (Drawing numbered 1186-02 Rev. D).

The proposal is to construct two buildings in the eastern half of the site. A larger L-shaped building

(Building A) is located to the north and a smaller rectangular shaped building (Building B) is located to the south. The buildings would be surrounded by a paved surface to enable the movement and parking of vehicles. The main car parking areas would be laid out to the east of the buildings and in the south-western part of the site. A smaller car parking area would be provided in the north-western corner of the site. Cycle parking provision would be provided adjacent to the latter. A landscape buffer would be formed along the eastern and southern boundaries, while the northern and western boundaries would be enhanced. The proposed planting would be native trees and shrubs and areas of wildflower meadow. A SuDS attenuation pond is proposed to be formed to the west of Building A.

The illustrative masterplan that accompanied the outline planning application showed a pedestrian/cycleway link from the proposed housing development to the south, through the southern boundary of the employment site and towards the proposed building/s. The proposals the subject of this reserved matters application contain no direct pedestrian or cycle link with the proposed adjoining housing development for reasons of site security and safety. However, the proposed housing layout for the adjoining land includes a pedestrian and cycle link to a position on Arundel Road, approximately 60 metres east of the approved access to the employment site, which is considered to be acceptable.

### PARKING

Policy T DM1 of the Local Plan states that proposals for all new development must make provision for cycling and pedestrian facilities, including sufficient secure parking and changing/showering facilities at places of work. Policy GA4 of the Barnham & Eastergate Neighbourhood Development Plan states that development proposals will be supported only if they include off-street parking consistent with the current standards under the Local Plan.

Arun District Council's Parking Standards Supplementary Planning Document (SPD) January 2020 states (in paragraph 4.6) that it is the responsibility of the developer to provide evidence that adequate facilities are provided on site for the proposed use, including cycle parking, changing and storage facilities. The guidance (in Table 4.1) is that for B1 Business floorspace, vehicular parking provision should be 1 space per 30 sq. m, while cycle parking provision should be 1 space per 150 sq. m for staff and 1 space per 500 sq. m for visitors. This would necessitate the provision of a total of 127 car parking spaces and 34 cycle parking spaces.

20% of the car parking spaces are expected to be provided with active electric vehicle charging points, while ducting is to be provided for the remainder.

The submitted Block Plan (numbered WM/627/500) shows a total of 127 car parking spaces, of which 5 would be suitable for use by disabled people. Twenty six spaces are annotated as being provided with electric vehicle charging points. The plan also shows 34 cycle stands, in two blocks of 17, adjacent to the parking area in the north-western corner of the site. From the details contained in the hard and soft landscaping scheme, it is clear that the cycle stands would be convenient, covered and secure. The proposed parking provision accords with Policies T SP1 and T DM1 of the Local Plan, Policy GA4 of the Neighbourhood Plan and the Parking Standards SPD.

tracking plans have been included among a set of revised plans and confirm that the proposed layout is able to satisfactorily accommodate the movements of both a fire tender and a refuse collection vehicle.

### SCALE

Policy D DM1 (14) of the Arun Local Plan 2011-2031 states: "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement".



The proposed Building A would be 60.8m long and 24.8m wide (for most of its length). It would be 7.4m in height. The proposed Building B would be 30.8m long and 24.8m wide. It would also be 7.4m in height. The proposed buildings would be constructed into the existing slope of the site using cut and fill techniques, as illustrated in the submitted Site Sections.

Building A would be approximately 34m from the boundary of the nearest existing dwelling on the south side of Arundel Road, as well as being at a lower level. Building B would be approximately 11m (at its nearest point) to the southern boundary of the site, beyond which it is currently proposed (WA/48/19/RES) to provide a parking courtyard for two blocks of apartments.

While the light industrial buildings would be significantly larger than the existing or proposed houses on adjoining land, having regard to their distance from the boundaries and the local topography, the scale is considered to be appropriate.

The height of the proposed buildings is considered to be reasonable and partly reflects the need to accommodate a mezzanine. If the height was lower, it is likely that a greater footprint would be needed to deliver the same amount of floorspace and less space would be available for soft landscaping.

It is considered that the proposed development complies with Policy D DM1 (14) of the Arun Local Plan.

### APPEARANCE

Policy D DM1 of the Arun Local Plan 2011-2031 requires proposals to "demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area". Similarly, Policies ES5 and ES6 of the Barnham & Eastergate Neighbourhood Development Plan require all new development to be of a high-quality design and to make a positive contribution to the character of the area.

The National Design Guide states that well-designed places contribute to local distinctiveness by:

- adopting typical building forms, features, materials and details of an area;
- drawing upon the architectural precedents that are prevalent in the local area, including the proportions of buildings and their openings;
- using local building, landscape or topographical features, materials or planting types;
- introducing built form and appearance that adds new character and difference to places;
- creating a positive and coherent identity that residents and local communities can identify with.

The Arun District Design Guide SPD Consultation Draft also contains guidance on building design. Section J.01 deals with form and character. Its overall objective is to "respect the existing landscape and townscape by creating buildings with a form and character that reflects and enhances the distinctive architectural qualities of the surrounding area".

The original application proposed buildings that were very simple and functional in appearance. Their form was box-like. The walls were proposed to be clad in one material - a white coloured insulated panel system. With the exception of the entrance foyer/showroom in Building A, openings on the ground floor of the buildings were limited to roller shutters and fire escape doors only. At first floor level, a band of black aluminium framed windows was proposed on all external elevations.

The revised proposal is for two buildings that would be clad largely in multi-stock facing bricks of a type that includes plum and purple hues and a medium grey coloured insulated panel system. The roofs would be clad with anthracite grey coloured steel panels. The window and door frames would be in dark

grey aluminium and the doors would be finished in a medium grey colour. The design of Building A also features a distinctive canopy, themed on a Formula 1 rear spoiler, at the main entrance.

The revised proposals feature buildings that are less stark in their appearance. The introduction of brick reflects one of the more common materials used in the area. The combination of brick at a lower level and insulated panels above gives the proposed buildings greater horizontal emphasis, which helps to reduce their perceived height and will enable them to sit more comfortably in the local landscape. A canopy was considered to be necessary to identify the main entrance to Building A and the applicant has responded with a highly distinctive feature that conveys something of the nature of the business as well as adding an interesting detail to the building.

It is now considered that the appearance of the proposed buildings accords with Policy D DM1 of the Local Plan and Policies ES5 and ES6 of the Neighbourhood Plan.

Condition 6 of the outline planning permission (WA/22/15/OUT) requires a schedule of materials and finishes to be used for the external walls and roofs of the proposed buildings to be submitted to and approved in writing by the local planning authority prior to the commencement of construction. The precise choice of brick and colour of the steel panels will be agreed through the discharge of that condition.

### TREES

Policy ENV DM4 of the Local Plan states: "Where there are existing trees on or adjacent to a development site, developers shall be required to provide, land and tree surveys, a tree constraints plan and an arboricultural impact assessment to include a tree protection plan and arboricultural method statement Policy ES10 of the Neighbourhood Plan also seeks to protect trees or hedgerows of arboricultural and amenity value.

A limited number of trees would be lost to facilitate safe vehicular access to the site from Arundel Road. This was considered and approved at the outline stage.

The Landscape Management Plan, dated 7 February 2020, refers (in paragraph 1.3) to an arboricultural impact assessment having been undertaken. This is that which was undertaken at the outline stage because the current application did not include a full arboricultural impact assessment with the original submission. An up-to-date tree survey and assessment was requested but was not received until 8 September 2020. The Tree Officer has been re-consulted and his comments will be included in an update.

### LANDSCAPING

Condition 8 of the outline planning permission (WA/22/15/OUT) states: "The landscape details referred to in Condition 1 shall include a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas other than privately owned domestic gardens. The landscape management plan shall be implemented in accordance with the approved details."

A landscape management plan dated 7 February 2020, prepared by Lizard Landscape Design and Ecology, has been submitted in support of the application. The plan includes objectives, management and maintenance schedules, as required by Condition 8.

In addition to the landscape management plan, the application is accompanied by a hard and soft landscape general arrangement plan, detailed planting plans, a detailed plant schedule and specification,

hard and soft landscape specification and a landscape and visual appraisal statement.

The landscaping scheme includes a planted buffer, which is a minimum of 5 metres in depth, along the eastern and southern boundaries where the site adjoins existing and proposed residential development. This forms part of a wider strip of planting needed to provide a suitable screen between the employment and residential uses; the absence of which was one of the main concerns raised in relation to the proposals the subject of application WA/48/19/RES.

In regard to the comments of Southern Water, the landscaping scheme proposes tree planting on the eastern and southern boundaries rather than in proximity of the sewer, which runs close to and parallel with the site's northern boundary.

The proposed landscaping scheme is considered to be acceptable and in accordance with Policy D DM1 of the Arun Local Plan 2011-2031.

## OTHER MATTERS

### Decentralised Energy

Condition 22 of the outline planning permission (WA/22/15/OUT) requires at least 10% of the energy supply of the development to be secured from decentralised and renewable or low-carbon energy sources.

The application is accompanied by a Decentralised Energy Statement, which explains that 574 Solar PV panels will be installed on the roof of the proposed buildings, capable of producing well above 10% of the estimated electricity requirement of the development. The panels would be installed during construction of the buildings and would be operational on completion of the development.

The proposal therefore accords with Policy ECC SP2 of the Arun Local Plan 2011-2031.

### Drainage

Condition 12 of the outline planning permission is a pre-commencement condition requiring full details of the proposed surface water drainage scheme to be submitted to and approved in writing by the local planning authority as part of a separate application. The condition also precludes the occupation of any building until the complete surface water drainage system serving the development has been implemented in accordance with the approved details.

From the submitted block plan, there is sufficient space to be able to provide a 10m buffer around the attenuation pond. Full construction details of the pond will be taken into consideration when assessing the application to discharge the condition.

### Ecology

Condition 17 of the outline planning permission deals with the submission and approval of a detailed ecological enhancement scheme. An Ecological Mitigation and Enhancement Scheme, dated February 2020, was considered and approved under application WA/25/20/DOC. The scheme takes account of the presence of protected species, mentioned in the representations above.

Condition 20(d) of the outline planning permission requires details of all lighting fitments within the commercial area of the development to be submitted to and approved in writing by the local planning authority prior to construction. The potential impact on bats will be taken into consideration when

assessing the application to discharge that condition.

#### Traffic Generation

The traffic that is likely to be generated by the proposed development was fully considered at the outline stage. It is not specifically related to the reserved matters the subject of this application and does not need to be considered in this report.

Nevertheless, it is noted that Condition 20 of the outline planning permission limits the hours during which commercial vehicles can operate to and from and within the site.

#### Noise

Condition 21 of the outline planning permission requires a scheme to be submitted to and approved in writing by the local planning authority for the control of noise emanating from the commercial area of the development, prior to the commencement of the commercial part of the development.

#### Use

The description of the development, for which outline planning permission was granted, refers specifically to light industrial floorspace in use class B1(b)/(c). This is use for all or any of the following purposes:

- (b) for research and development of products or processes, or
- (c) for any industrial process,

The applicant seeks approval of the reserved matters (appearance, landscaping, layout and scale) for development within this use class, in accordance with the outline planning permission. The application must be decided on this basis. There is no proposal to use the site for purposes within use class B2 General industrial.

#### RECOMMENDATION

Subject to no adverse comments being made by the Tree Officer on the recently submitted arboricultural impact assessment, it is recommended that the application be approved with the conditions listed below.

<b>HUMAN RIGHTS ACT</b>
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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).

Access to some parts of the proposed buildings may not fully meet the needs of disabled people.

## SECTION 106 DETAILS

Planning obligations related to the proposed development are contained in a s.106 agreement completed at the outline stage.

## RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans, drawings and documents:

RA/032/50 Rev A - Site Plan  
 WM/627/500 Rev 7 - Block Plan  
 49326/5501/001 Rev C - Vehicle Tracking 12m Refuse Vehicle  
 49326/5501/002 Rev B - Vehicle Tracking Fire Vehicle  
 WM/627/11 Rev 2 - Unit A Plan and Section  
 WM/627/12 Rev 4 - Unit A Elevations  
 WM/627/14 - Unit A Roof Plan  
 WM/627/21 Rev 1 - Unit B Plan and Section  
 WM/627/22 Rev 2 - Unit B Elevations  
 WM/627/24 - Unit B Roof Plan  
 WM/627/501 - Site Sections  
 LLD1773-LAN-DWG-100 Rev 06 - Hard and Soft Landscape General Arrangement  
 LLD1773-LAN-DWG-200 Rev 04 - Detailed Planting Plan Infrastructure Planting  
 LLD1773-LAN-DWG-201 Rev 03 - Detailed Planting Plan Ornamental Planting  
 LLD1773-LAN-DWG-202 Rev 03 - Detailed Planting Plan Ornamental Planting  
 LLD1773-LAN-REP-001 - Landscape Management Plan  
 LLD1773-LAN-SCH-001 Rev 4 - Detailed Plant Schedule and Specification  
 LLD1773-LAN-SPE-001 - Hard and Soft Landscape Specification

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 2011-2031.

- 2 Prior to any construction works taking place, details showing the proposed location of 1 No. fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) 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. No industrial building shall be occupied unless and until the approved hydrant or storage facility has been installed and connected to a water supply that is appropriate in terms of both pressure and volume for the purposes of firefighting.

Reason: In the interests of safety and amenity and in accordance with policy INF SP1 of the Arun Local Plan 2011-2031.

- 3 No part of the light industrial development shall be first occupied until the car parking provision and electric vehicle charging points have been constructed in accordance with the approved block plan (WM/627/500 Rev 7). These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of adjacent highways in accordance with policies D DM1 and T SP1 of the Arun Local Plan 2011-2031.

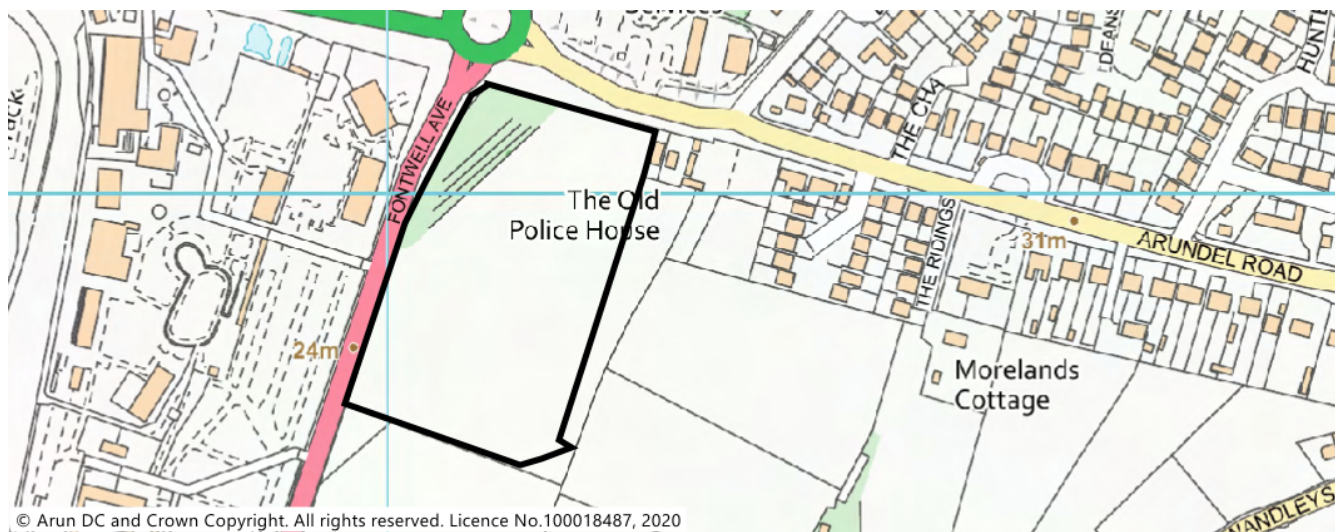
- 4 No part of the light industrial development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plans.

Reason: To provide alternative travel options to the use of the car in accordance with policies T SP1 and T DM1 of the Arun Local Plan 2011-2031.

<b>BACKGROUND PAPERS</b>
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[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)

**BN/57/19/RES - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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