

REPORT UPDATE

Application No: A/23/15/OUT

Reason for the Update / Changes

Reason for Update/Changes:

There is a need to amend some of the conditions that refer to plans as the incorrect plan numbers have been referred to. There is also the need to add a further condition to secure the implementation of the extended cycle/footway on the A259 frontage as no condition has been included in error. The amended conditions should therefore now read;

4. In respect of the part of the application granted Full Permission (Retail unit), the development hereby approved shall be carried out in accordance with the following approved plans:

Drawing Number:1117-P-10 Existing Location
Drawing Number:1117.P-11E Site Plan
Drawing Number:1117-P-12A Unit A Floor Plan
Drawing Number:1117-P-13 Unit A : Elevations
Drawing Number:1117-P-14 Unit A : Elevations
Drawing Number:REDW-3167-110 D Highway Access Plan
Drawing Number:REDW-3167-111 C Off-site Footpath / Cycle path
Drawing Number:REDW-3167-130 C Off-site Footpath / Cycle path Cross Sections

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

16. No development shall commence until the vehicular access serving the development has been constructed in accordance with the approved planning drawing Highway Access Plan Drawing Number 1117.P-110 D.

Reason: In the interests of road safety.

And a new condition 33 to read;

No development shall be occupied until the off-site footpath / cycle path development has been constructed in accordance with the approved drawings 1117.P-111 C and REDW-3167-130 C.

Reason: In the interests of road safety and sustainable development.

Further comments from Network Rail:

Since the publication of the agenda, discussions have taken place between the applicant and Network concerning the objection that has been made. The applicant has confirmed that the public right of way does not extend from the rail crossing into the application site. Furthermore, they recognise the strict tests of CIL Regulation 122 that mean that any planning obligation element must be required in order to make a development acceptable in planning terms. Therefore it is not sufficient that a planning obligation would offer an improvement; it has to be required as a direct result of the impacts of a specific development.

In order for pedestrians to access the application site from the crossing, they would need to go through private land.

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The applicant considers that the level of usage associated with the development would be de-minimus particularly given the desirability of the route from the residential areas to the south (i.e. through an industrial estate, over the railway line and along a poor quality private track road). Furthermore, given that the issues concerning the crossing are current and will not be as a direct result of the development, we question the justification for a developer contribution toward an upgrade.

Network Rail have confirmed that they would withdraw their objection if fencing could be erected preventing pedestrians going towards the development and the A259 from the crossing. The applicant has confirmed that fencing cannot be erected as it would be on land outside of their control. Furthermore, they state that likely pedestrian activity to the site is forecast to be very limited.

Network Rail consider that the route is established and it can therefore be considered to be a 'highway'. They consider that the impact of the development would be 'severe' on the level crossing and that the development will likely result in significantly increased usage at the crossing. Network Rail estimate likely daily pedestrian movements of near 400, the applicants estimate slightly greater than 100.

Network Rail were seeking a contribution towards the provision of a ramped footbridge over the crossing. However, Network Rail do not now believe it will be possible to provide a footbridge in this location due to funding and land constraints. They therefore wish to formally amend their response to the following:

Having assessed the likely safety implications which would be likely to occur as a result of increased pedestrian traffic on the level crossing in this location, Network Rail recommend that no objection be raised subject to the following:

- £25,000 to be secured via legal agreement to enable the installation of a COVTEC system to be installed at Brook Lane level crossing

Your officer's views are set out in the report and to summarise;

- Whilst improvements to the safety of rail crossing is undoubtedly a desire that should be supported, it is not considered that the additional likely number of pedestrians to the proposed food store would be so significant as to represent a 'severe' impact where the development would be refused planning permission without a contribution towards a footbridge.

As you can see, Network Rail have now amended what they are seeking a contributions towards. The applicants have confirmed that they are willing to make a financial contribution requested by Network Rail, in their amended position. Your officer's opinion is that stated above but, if your committee considered that such a financial contribution was justified in accordance with the CIL Regulation and that the application would have been refused without such a contribution, then the heads of terms for the s106 agreement can be amended accordingly.

The recommendation remains as per the officer report with the amended conditions above.

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

A/23/15/OUT

Recommendation Report for Outline Consent

REF NO: A/23/15/OUT

LOCATION: Land south of New Road (A259)
and East of Brook Lane
Angmering

PROPOSAL: Hybrid application - Full Planning Permission for a retail unit (Class A1) comprising 1,487sqm (1022sqm ground floor and 465sqm mezzanine) with associated access, car parking, servicing, landscaping & associated works.
Outline Planning Permission for a public house (Class A4) comprising 581sqm at ground floor level - This is a Departure from the Development Plan

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Hybrid application for development of the site Class A1 and Class A4 Use. The proposal includes the following:

Full planning permission for:

Class A1 1487sqm retail (1022sqm ground floor and 465sqm mezzanine), Associated access, car parking 215 parking spaces with 42 overflow spaces, servicing, landscaping and associated works and

Outline Planning permission for:

Class A4 581sqm public house at ground floor level.

The application has been submitted on behalf of SDB Investments Ltd, Commercial Development Projects Ltd and Marks and Spencer.

SITE AREA

The total site area for the development is 2.94 hectares.

TOPOGRAPHY

The site is predominately level and sits, sloping

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	slightly north to south and sits lower than the A259
TREES	The site is mainly ruderal vegetation with plantation trees to the northern boundary and a group of mature trees to the south of the site.
BOUNDARY TREATMENT	The northern boundary is formed of an embankment to the A259. The other boundaries are demarcated by a mix of ditches, post and rail fencing and chain link fencing.
SITE CHARACTERISTICS	The site is located south of the A259. The site is currently undeveloped greenfield land. The topography is flat, with a slight sloping north to south and is lower than the A259.
CHARACTER OF LOCALITY	The area still gives appearance of being rural in character with the neighbouring uses comprising a golf course and open fields beyond the A259, open fields to the west, the Mill Lane BMW and retail schemes to the east which is currently being built and the rail line to the south.

RELEVANT SITE HISTORY

A/37/03/	Outline application for car showrooms and associated access, parking & landscaping (Departure from the Development Plan).	Withdrawn 22-12-2003
A/94/04/	Outline application for car showrooms and associated access, parking and landscaping. Re-submission following A/37/03/. (Departure from the Development Plan)	Refused 03-09-2004 <i>Appealed</i> Appeal: Withdrawn 24 04 2006
A/125/13/	Hybrid planning application for the development of the site to provide in outline with all matters reserved apart from access and landscaping up to 3365 sqm A1 retail use (including parking) and full planning for 3947 sqm and Sui Generis vehicular floorspace (including ancillary facilities, landscaping and parking) including workshops, MOT facility, car valeting & car storage. New access from A259 - Departure from the Development Plan. Also within the parish of Rustington.	App Cond with S106 13-06-2014
A/19/15/PL	Variation of conditions 3, 5, 6, 8 & 21 imposed	ApproveConditionally

under A/125/13/ for approved plans, external floor space of retail stores, non-food retail warehousing, internal area of non-food bulky goods retails units & materials & finishes. This application also falls within the parish of Rustington.

06-05-2015

There is no planning history in respect of this site, however there is a history of previous planning application on the wider area of land that includes this site.

A/125/13/PL Hybrid planning application for the development of the site to provide in outline with all matters reserved apart from access and landscaping up to 3365 sqm A1 retail use (including parking) and full planning for 3947 sqm and Sui Generis vehicular floorspace (including ancillary facilities, landscaping and parking) including workshops, MOT facility, car valeting & car storage. New access from A259 - Departure from the Development Plan. Also within the parish of Rustington.

Approved Conditionally 13-06-2014

REPRESENTATIONS

Representations received:

Angmering Parish Council

Rustington Parish Council

Rustington Parish Council support the development.

Angmering Parish Council object to the development of store, on highway grounds with vehicle movement on A259 with the adjoining development, pedestrian footpath access across the railway line (safety concern need for footbridge), no consideration to archaeological matters, accept that retail development in this location has been established but question the need for a public house. The Parish Council also raise concern especially regarding the detailed highways issues and flooding.

Four letters of objection to the development have been received from the local residents relating to highway concern and the position of the roundabout in Brook Lane considered to be too close to the A259.

48 letters have been received from local residents who support the development of Marks and Spencer store in this part of the District. They well the increase in retail choice in the District and locally.

Agents on behalf of Waitrose Store, object to the development on two grounds:

1. Retail Assessment of a retail store in this location on the grounds that the information provided in respect of the impact of the retail development on the town centres in Rusington and Littlehampton and number inaccuracies in the sequential test that been submitted. They have also raised concern in respect of sequential test and consider that there are alternative suitable site that would be more sustainable and have less adverse impact on the town and district centres.

2. Transport Assessment - difficult to assess the potential for vehicle/pedestrian conflict within the site without knowing the precise nature of the outline part of the application. Concern about the proposed cycle/footpath as the existing splitter island within the southern mouth of the

junction with Mill Lane is considered of inadequate size to serve as effective refuge for the enhanced numbers of pedestrian and cyclists likely to be using the proposed crossing facility.

Concern over vehicle turning southbound on Mill Lane and whether they have sufficient visibility to stop for crossing pedestrians. Insufficient detail within the submitted drawings to establish if westbound cyclists using the proposed cycleway will be slowed prior to attempting to cross the junction mouth to the central refuge/splitter island. Given the indicated alignment they may do so with their backs to approaching traffic seeking to enter the development and may cross into their path, leading to conflict and collision.

The location of the proposed unloading point requires a complex manoeuvre within a confined area. Will lead to HGV's reversing into the site via the roundabout which would cause conflict. Swept path analysis for vehicles leaving the site should vehicles overrunning the centre island for almost 50% of the manoeuvre.

The Agent has also raised concern on the assessment of the County Highway Officer to the design solution for the mini roundabout on Brook Lane and the Road Safety Audit.

The Agent acting for Ropemaker Properties Ltd, the owners of the former Waitrose Store on Littlehampton, state that the applicant has not considered alternative site sufficiently and that their property in Littlehampton which was purpose built as food store would be suitable for retail food store. The property can be adopted/sub-divided to meet their requirement.

The Agents acting for the owner of the adjoining site which is being developed for Sui Generis (Car Show and related uses) and A1 retail use also raise concerns on the Retail Impact Study and the Sequential Test that has been submitted with application.

Comments on Representations received:

The comments from Angmering Parish Council and the four local residents especially regarding the detailed highways issues and flooding issues have been considered by the County Council who have taken these issue into account in their consideration of the application.

The Council has engaged retail consultant to review the Retail Impact Assessment and the issues raised by the third parties. It is concluded that the Council is satisfied with the retail impact assessment, including the subsequent update assessment to the issues raised by the third parties, that has been provided by the applicant in respect of this development. Similarly the Council is also satisfied with the information submitted for the sequential test by the applicant, including the updated information, to support this planning application.

CONSULTATIONS

Head of Planning Policy & Cons
Economic Regeneration
Environmental Health
Arboriculturist
Sussex Police-Community Safety
Network Rail
Parks and Landscapes
Highways Agency
Southern Water Planning
Environment Agency

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Engineers (structural)
Engineers (Fluvial Flooding)
Engineering Services Manager
Worthing Borough Council
Network Rail
WSCC Strategic Planning
WSCC Strategic Planning
Ecology Advisor
Ecology Advisor
WSCC Strategic Planning
Archaeology Advisor

Consultations responses received:

SOUTHERN WATER

The applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. Where a SUDS scheme is to be implemented, the drainage details submitted to the local planning authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development. This should include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Should this application be approved, the following condition should be attached to the consent:

"Construction of the development shall not commence until details of the proposed means of foul and surface water sewage disposal has been submitted to and approved in writing by the local planning authority in consultation with Southern water."

HIGHWAYS ENGLAND

No objection

NETWORK RAIL

Network Rail object to the proposed development due to its proximity to the Level Crossing on Brook Lane and the grounds of objection are:

- An increase in use of the Level Crossing on Brook Lane which has poor sighting of trains, even with the presence of a whistle board, and poor track curvature will import additional risk to the safety of the rail network and its users.
- Given the size and nature of the development an increase in footfall over the Level Crossing is likely to occur as pedestrians travel to the services that will be provided as part of the proposal which include retail units and a public house.

Suitable land is available for the construction of a footbridge over the railway and Network Rail would support the construction of a footbridge at the developers expense.

WEST SUSSEX HIGHWAY

First Response:

The County Highway Officer raised number of issues to the details of the highway design and related information. These included:

- the case for a further departure from standard (TD42/95 7.54) relating to the nearside entry kerb

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radius

- the tight entry corner radius, restricted visibility around the exit corner radius and restricted forward visibility to the mini roundabout

The motorcycle parking standards: the provision falls short of the required standard, however, it is considered acceptable given the likelihood of linked trips and the nature of provision

Car Parking: a total of 196 car parking spaces, including 16 disabled and 8 parent/child spaces. The requirement for 5% of the parking provision to be set aside for use by disabled persons has therefore been met.

Cycle parking: 22 spaces have actually been provided to serve both the food store and the pub. There are no WSCC cycle parking standards for pubs but some provision should be made. The food store standard equates to 30 cycle spaces, but the TA states that 16 have been shown across the site as a whole. It appears that the provision across the site should be increased to at least meet the food store standard as the extension to the cycle/footway will encourage cycle trips to the site.

Servicing: the proposed units will be serviced from two separate areas. The proposed foodstore has a service yard to the east, accessed via the main internal spine road, which is 7m wide. A tracking diagram has been provided that successfully illustrates a 16.5m articulated vehicle manoeuvring through the access, turning within the yard and leaving. The pub will be serviced from an area between the main internal road and the service yard associated with the pub. Access from this area will be restricted by rising bollards to allow HGVs through only. Vehicle tracking diagrams showing a 16.5m articulated vehicle and a 12m rigid beer lorry shows that these vehicles can safely manoeuvre through the site.

Waste collection from the respective service yards: given that a 16.5m articulated vehicle can safely manoeuvre, a refuse vehicle will also be able to. However, tracking for a fire appliance will be required, as although it could access the service yards, it has not been demonstrated that they would be able to manoeuvre throughout the car park if a fire occurred in these locations.

It is considered likely that the proposed food retail store would attract pedestrians and cyclists from the nearby residential areas via this route, even though it appears there is no legal right of way over the section between the railway and the site. Contributions may therefore be sought towards surfacing improvements of footpath 2159 by the WSCC Public Rights of Way Team.

Second Response

Vehicular Access: the deceleration lane and entry corner radius have been considered as Departure from Standard (DfS) applications and these have been signed off on the basis that a 43m increase in the deceleration lane length is provided to allow a comfortable additional deceleration down before the 20m diverge radii and the nose ahead of the merger taper has been reduced to 35m from previous 40m. This is therefore considered to be acceptable.

Further comments have been made on the access design which will need to be incorporated. The County Highway Engineer has also provided comments regarding detailed design.

Comments raised in the First Response have been addressed, however County Highway Officer

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has requested further information in respect of the following:

- Adjustment to deceleration lane length
- Revision to Merge Lane width
- Forward Visibility Splay alongside splitter island
- Consideration of redesign of mini-roundabout & speed reduction measures
- Ped/Cycle route extension with highway boundary overlain, and implications for earthworks/retaining structures shown
- Agreements in relation to pedestrians along Brook Lane

Third Response

The County Highway Officer has agreed the additional information provided and has advised that appropriate conditions are included on the planning consent to ensure compliance.

WEST SUSSEX COUNTY COUNCIL ENGINEERS

Standard conditions should be applied. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design.

WEST SUSSEX COUNTY COUNCIL FLOOD RISK MANAGEMENT CONSULTATION

No objection

ENVIRONMENT AGENCY

That the following planning conditions are imposed as without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

Condition 1

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) [32447/4001] and the following mitigation measures detailed within the FRA:

1. Any changes in ground levels are shown to not result in any loss of fluvial flood storage
2. Finished floor levels are set no lower than 0.3m above the 0.1% (1in1000) fluvial flood level already supplied by the Environment Agency.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Condition 2

The development hereby permitted shall not be commenced until such time as a scheme to discharge surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall include:

1. Calculations showing that the scheme can attenuate the 1% (1in100) annual probability event with 30% allowance for climate change on site.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

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SUSSEX POLICE

The Design and Access statement submitted with the application fails to mention any crime prevention measure to be incorporated into the design and layout of the development. This Statement should demonstrate how crime prevention measures have been considered in the design and layout of the development.

ECOLOGY

No Objection subject to appropriate condition being included on the planning permission for the full mitigation strategy for water voles and reptiles to be submitted for approval prior to any works commencing onsite.

TREE, LANDSCAPE AND GREENSPACE

No objection subject to submission and approval of full landscape scheme. Long term management of the developing landscape would need to be considered and the landscape scheme should maximise the biodiversity of the site with the inclusion of native species and the retention of a variety of habitats.

Archaeology

There archaeological interest recently identified on the adjacent site. It would be appropriate to investigate the site in advance of development in order to identify deposits of significance that might be affected by it and to ensure their preservation, either in-situ or by further investigation and recording or both.

ECONOMIC REGENERATION

Would prefer to see a development such as this within an existing town centre. Concerned about the impact that such a development would have on the retail centres of Littlehampton and Rustington and would require that all possible measures are taken to mitigate this impact.

Should permission be granted, would wish to see the developer agree to a Skills Plan and also sign up to the Arun Developer and Partner Charter, particularly important with regard to, where possible, using local companies in the physical development of the site and employment for local people. The developer should also make a contribution towards the future management and regeneration of the District and local centres in Littlehampton and Rustington.

ENVIRONMENTAL HEALTH

No objection to the proposed development. The A4 use premises will require to be registered under the Food Safety Act 1990 and will need to comply with the standards contained in the relevant Food Hygiene Regulations prior to becoming operational.

ENGINEERS (STRUCTURAL)

No comments of a structural nature.

Comments on Consultation responses:

All comments relating to the highway and highway safety raised by the residents, Parish Council and the agent acting for Waitrose have been considered by the County Highway Officers and technical design details have been negotiated with the applicant to the satisfaction of County Council.

The applicant has been in discussions with Network Rail and they recognise the significant risk to users of the level crossing however, they do not consider that there will not be any significant increase in the number of users visiting this development from this route. The nature of the route

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from the residential neighbourhood south of the railway line would not one potential shoppers would used.

The applicant has also revised the evidence and retail impact assessment to overcome the issues raised by the agent acting for Waitrose and other commercial landowners who have challenged the retail study.

Other comments from consultees have been noted. Where conditions have been requested these will be applied wherever appropriate.

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary
Out of Town Centre

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>DEV26</u>	Criteria for Retail Development
	<u>DEV27</u>	Retail Development Outside the Principal Shopping Areas
	<u>GEN11</u>	Inland Flooding
	<u>GEN12</u>	Parking in New Development
	<u>GEN14</u>	Public Transport
	<u>GEN15</u>	Cycling and Walking
	<u>GEN18</u>	Crime Prevention
	<u>GEN2</u>	Built-up Area Boundary
	<u>GEN29</u>	Nature and Conservation Across the District
	<u>GEN32</u>	Noise Pollution
	<u>GEN33</u>	Light Pollution
	<u>GEN34</u>	Air Pollution
	<u>GEN7</u>	The Form of New Development
	<u>GEN8</u>	Development and the Provision of Infrastructure
	<u>GEN9</u>	Foul and Surface Water Drainage
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality
		D SP1 Design
		ECC DM1 Renewable Energy
		EMP DM1 Employment land: Development Management
		EMP SP1 Employment land provision
		ENV DM3 Non Designated Sites
		ENV DM4 Protection of Trees
		ENV DM5 Development and Biodiversity
		ENV SP1 Natural Environment
		INF SP1 Infrastructure provision and implementation
		QE DM2 Light Pollution
		QE SP1 Quality of the Environment
		RET DM1 Retail Development

	RET SP1 Hierarchy of Centres
	SD SP1 Sustainable Development
	SD SP2 Built-Up Area Boundary
	SKILLS SP1 Employment and Skills
	T SP1 Transport and Development
Angmering Neighbourhood Plan 2014 POLICY ER1	Retail Provision
Angmering Neighbourhood Plan 2014 POLICY ER2	Local Employment
Angmering Neighbourhood Plan 2014 POLICY TM1	Local Highways

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Submission Version of the Local Plan October 2014 be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The Examination into the Local Plan has been suspended by the planning Inspector to consider future housing need for the District and the Council is undertaking further work on the Objectively Assessed Housing Need.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton

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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 not considered to comply with relevant Development Plan policies in that it is outside of the built up area boundary.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background and these are discussed in the conclusions section of this report.

CONCLUSIONS

PRINCIPLES OF DEVELOPMENT

It is considered that there are two issues of principle central to the assessment of this application: development outside the built-up area boundary; and retail considerations and its impact on the town centres.

DEVELOPMENT OUTSIDE THE BUILT UP AREA BOUNDARY

The Arun Local Plan shows the site as lying within an area outside the built up area boundary (as established by Local Plan Policies GEN2 and GEN3). Within this area only certain categories of development are allowed as an exception to the general policies of restraint that apply. The proposal does not fall into one of these exceptions. The site is not allocated for commercial development within any adopted development plan documents and as such the application is contrary to Local Plan policies GEN2 and GEN3.

It is recognised that the weight ascribed to these policies needs to be assessed in accordance with the NPPF. Those in the Local Plan have been saved and retain the full standing of development plan policies. Recent Inspector's decisions have commented to the effect that there is a timeless element to policies GEN2 and GEN3, as an aim of the Framework is to recognise the intrinsic character and beauty of the countryside (not unlike the intention of policy GEN3 to safeguard the countryside for its own sake).

However, the way these policies are expressed through boundaries on the ground has become out-of-date as they need to take account of development needs arising in the District after 2011, and will be revised in the forthcoming Arun District Local Plan (or as otherwise assessed once that plan is revoked). Therefore, policies within the NPPF would attract greater weight than these policies.

In light of the considerations in the preceding paragraphs, simply because the site is within the countryside and is contrary to policies GEN2 and GEN3 of the District Local Plan 2003 is not in itself considered to be a sufficient reason to refuse the application. The proposal should be considered in light of the paragraph 14 of the NPPF which sets out a "Presumption in Favour of Sustainable Development" for decision taking. The NPPF continues by stating that in the absence of an up to date Local Plan, or where the development plan is absent, silent or out of date, planning

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permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits. It is therefore necessary to establish the suitability of location for commercial development, and assess the character and appearance of the proposed development.

SUITABILITY OF THE LOCATION FOR COMMERCIAL DEVELOPMENT

As set out above the proposed development is located outside the built up area boundary as established through policies GEN2 and GEN3. While the retail elements can be considered against District Local Plan Policy DEV26 and DEV27.

Arun District Local Plan policy DEV26 sets out criteria for the assessment of retail developments. It states that retail development which does not affect the existing retail hierarchy will be permitted, provided that:

- (i) Is of a high standard of design, materials and layout, and has due regard to the character of the site and its surroundings;
- (ii) It is easily accessible by public transport;
- (iii) It includes provision for access by cycle and on foot;
- (iv) It includes appropriate provision to enable access for people with disabilities;
- (v) The design incorporates crime prevention measures.

The effect of the proposal on the retail hierarchy is considered in the "Retail Considerations" section below.

Criteria i: design and layout

The first criteria requires that the application demonstrate good quality design. For the retail store, the applicant is seeking full planning permission and has submitted detailed layout of the development and the design of the building, showing the detailed elevations and materials. For the public house (A4 use), the applicant is seeking outline permission and has submitted indicative drawing showing the proposed layout and includes a photograph of the potential design of the public house in support of the planning application.

The proposed retail store is set back from the A259 located in the eastern part of the site. It comprises a total floor area of 1,487 square metres over two storeys (1,022 square metres footprint and 465 square metres as mezzanine for storage and staff facilities). The building comprises a single block. The building is of two storey height with an enclosed service yard to the east. The building includes a mezzanine floor of around 40% of the ground floor to provide staff and storage facilities.

The retail building is of modern design with a barrelled roof and glazed elevations facing the car park and the main road elevation with short glazed section and melt cladding. The two storey unit has an open double height space at its western end at the customer entrance. The double height space continues outside to the main canopy which covers the external entrance and the external cafe seating area at the western end of the unit, next to the entrance. The entrance itself is announced by the four columns holding up the canopy here.

The roof is a simple barrel vaulted form, this form continues in the use of a small number of good quality materials on the external elevations, namely a split face masonry which is pulled away to

'reveal' the glazed shopfront on the western ends of the North and South elevations. The masonry walls extend across both sides of the service yard. The remainder of the building is treated in contrasting dark light metallic cladding.

The service area is to the east of the building with the enclosed service yards. The access is from the internal road along the southern section of the site. The detail design meets the requirement of the County Highway Officer.

The public house building is to the western part of the site (east of Brook Lane) and the indicative design shows a floor area of 581 square metres and is of single storey in height with a small garden area on both the eastern and western side of the building. The applicant has provided generic building design (photographs) of similar development to show the type of public house/restaurant that could be designed.

Both buildings are set well back from the highway. The area between the two buildings provides a surface car park of 196 parking space, with disabled parking spaces provided close to both buildings. There is further small over-flow car-park on the south side of the internal road. With the retention of the tree and additional planting on the northern boundary the impact of the building will be slightly less, however the building will be very clearly visible from the A259, unlike the adjoining site where the buildings are set back much more into the site.

The site is capable of accommodating the proposed development with associated car parking and servicing that will enable the physical regeneration of a vacant site for mixed commercial use. The scheme has been designed for retail use and the unit size, layout, car parking, serving and orientation is of appropriate scale.

The scale and height of the proposed buildings are appropriate to the local context and will relate well to the approved development on adjoining land that is being constructed. The buildings are appropriately designed to allow the best possible inclusive access including provision for the disabled and those with other mobility problems. The development is of high quality design and materials befitting of a modern retail scheme. This will make a positive visual contribution to the A259 which is a key transport corridor.

For criterion (ii) (iii) and (iv) the proposal have been designed to give priority to pedestrian and cycle movement and people with disabilities. With the amendments to the highway design and technical information provided by the applicant, the County Highway Officer is satisfied that the proposed development has met the above designed criterion.

Retail Impact Considerations:

NPPF Paragraph 23 requires planning policies to be positive, promote competitive town centre and ensure sites are available in suitable centre and edge of centre sites for main town centre uses. Where centre and edge of centre locations are not available, accessible locations well connected to the town centre should be considered.

Paragraph 24 of the NPPF requires a sequential test to be applied on planning applications for main town centre uses that are outside an existing centre or not in accordance with an up-to-date development plan. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.

Paragraph 26 of the NPPF requires an impact assessment for development located outside of a town centre or not in accordance with an up-to-date Local Plan which exceed a proportionate locally set threshold (a default threshold of 2,500sqm if there is no local policy threshold). Paragraph 26 goes on to note that impact assessments should consider two matters:

- i. The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- ii. The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application was made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

Development should only be refused if an application fails to satisfy the sequential test or is likely to have 'significant adverse' impact on one or more of the above factors.

Paragraph 27 states that where an application fails to satisfy the sequential test or is likely to have an adverse impact, permission should be refused.

Policy DEV 26 of the Arun District Local Plan 2003 requires the retail hierarchy to be maintained. The application site is outside the Principle Shopping Areas. As an out of centre development, policy DEV 27 applies. Part i mirrors the NPPF considerations of vitality and viability. Part ii and iii relate to the accessibility of the site from the highway network and public transport and for the site to be accessible by cycle and on foot.

If these tests are satisfied, conditions on the use and floorspace quantum are required to control the impact.

The applicant submitted a retail impact and sequential assessment with the application. Two further rounds of work were undertaken during the determination period in consultation with the Council's retail consultant. This work incrementally satisfied the council on the sequential test and the scale of the impact of the proposal on existing centres. The existing centres considered were Rustington and Littlehampton. Angmering village has also been considered.

The issues are therefore two-fold. Are there any preferable sites within the catchment area centres (Littlehampton and Rustington)? Once site location has been determined, what is the impact of the proposed development on the planned investment in the District and on the town centre vitality and viability?

Sequential test:

Dealing first with location, the applicant confirms the requirements of Marks & Spencer as:

Format - a store of gross 1487 sqm with a net trading area of 835sqm

Parking - level surface access for trolleys

Servicing - controlled dedicated servicing access

Location - commercial prominence and access via car to capture passing trade and divert expenditure from neighbouring out of centre retail.

However, it is important to note that the Council is required to consider the proposal as an A1 retail use as the end user would not be restricted.

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To display flexibility, a 10% variance was agreed in respect of the impact of the retail use. The parameters set within the retail impact assessment do not rule out town centre locations.

The focus of the assessment was on the proposed foodstore with a net sales area of 826sqm. However, The A4 use also represents a town centre use. This requirement has not been disaggregated from the application and it is excluded from the sequential analysis. This is because it would make assessment less likely to locate a site and secondly it is of marginal significance to the assessment. The Council considers this methodology as a reasonable approach to the assessment.

The following sites within existing centres were considered.

- The former Co-op Store, Rustington
- Ash Lane Rustington
- St Martin's Lane Car Park Site, Littlehampton

None of these sites were considered acceptable by the applicant. This position was supported by expert advice provided to the Council. This opinion took account that at the time of the determination of the impact the Waitrose Store had become vacant.

The evidence submitted by the applicant in support of the development (The Retail Statement) concluded that these premises and land would not be suitable for future occupier (M&S Foods) due to the physical aspects of these sites (area of floorspace available for retail and units size), availability and the viability of the locations. Therefore, there were no sequentially preferable alternative sites to the application site. The Council's retail consultant concurs with the submission.

The following Out of Centre Sites were considered

- Mill Lane Rustington

Planning permission was granted at the adjoining the site in Mill Lane in June 2014 for retail use and Sui Generis vehicular floorspace. The applicant has argued that the site is not an 'out of centre' sequentially preferable site. In these situations, where two or more out of centre sites are available, preference is given to accessible sites that are well connected to the town centre. The issue here is how great a difference exists between the two sites in accessibility terms.

- By private vehicle the difference is not material.
- For those walking and cycling the difference would be material. However given no sequentially preferable centre or edge of centre sites are available, most visitors would arrive by car. Those walking are likely to represent just a small proportion of those visiting the site.

For this reason, Mill Lane is on balance not sequentially preferable. Case law supports the approach whereby the sequential test relates solely to the vitality and viability of town centres; it would not consider the comparative advantages off traffic demand. This is the only difference between the two sites. WSCC Highways comments support this position.

Impact on existing and planned development:

Consideration of retail impact has focussed on Rustington and Littlehampton: In determining impact, consideration has been given to the turnover of existing centres, possible trade draw and turnover of existing outlets (expressed as estimated turnover of existing stores). Cumulative impact

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of this proposal with existing and planned development was also assessed.

The main concern on the impact assessment was the adjustment of the town centre turnovers of Littlehampton and Rustington to take account of developments since the Arun Retail Study was prepared, the adjustments needed to take account of the move of Waitrose to Rustington and the estimated trade draw of the proposal in the context of that relocation. The applicant provided a revised impact assessment making adjustment to the turnover of Littlehampton and Rustington centres. With the relocation of Waitrose to Rustington, the turnover in Littlehampton will decrease by a similar amount as the likely increase amount of turnover in Rustington.

Consideration of the impact on the Indoor Market / Surrey Street and St Martin's car park scheme for Littlehampton and the Ash Lane garage site are considered. Further consideration of the impact on the investment potential of the St Martin's site is warranted. In all other regards, expert advice concluded the proposed scheme would not create any significant impact on planned investment.

The decision by Waitrose to relocate is a sign of weakness of the Littlehampton town centre and the loss itself will also weaken the town centre further. It is likely that a new retail user will occupy these premises in the near future and that would improve the situation in Littlehampton. With the future development of the M&S store in Mill Lane, there will be a further impact in the position of Littlehampton.

The assessment acknowledges that as well as the trade diversion of Waitrose to Rustington, there will be further will cause of trade diversion away from Littlehampton to Rustington as result of the M&S store development. The Council's consultant estimate that this is likely to be 4.7% for Littlehampton and 8% for Rustington.

The development of new food store will therefore cause further loss of trade from Littlehampton and this will inevitably have impact on the future viability of the town centre. The Council's retail consultant concludes that 'we have examined the results of alternative assumptions and conclude that the proposal on its own would have a limited impact on the relevant centres and that this could be overcome with suitable mitigation.'

To overcome any adverse economic impact and to continue to promote economic development and regeneration in Littlehampton contribution under Section 106 has been negotiated with the applicant in this respect. This financial contribution will support the on-going District Council initiatives for the physical regeneration programme and secure funding for the Town Centre Manager.

Highways, Transport and Parking:

A Transport Assessment has been produced to assess the transport and accessibility impacts of the proposal in accordance with paragraph 32 of the NPPF. In addition, separate Framework Travel Plans have been produced for both components of the site in accordance with paragraph 36 of the NPPF. The report follows pre-application engagement with West Sussex County Council. It should be noted that paragraph 32 of the NPPF states that "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe." The Transport Assessment has assessed the cumulative impacts of the development and it is concluded that the A259/A2187 roundabout will continue to operate with spare capacity after the proposals are built and trading.

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The proposed vehicle access is via a "left in, left out" site access served from the A259. The proposal will involve the provision of deceleration and acceleration lanes into the site to ensure safe access and to minimise potential conflicts with passing users of the A259. West Sussex County Council have assessed the proposed access and consider it suitable for the level of traffic likely to be generated from the proposed development. The County Council identified some minor issues with the detailed design of the proposal and requested that the applicants submit some further design audit work. This information was provided to West Sussex County Council and they have agreed the details.

The applicant's Transport Assessment includes evaluation of the proposed development's impact on surrounding junctions and roadways. West Sussex County Council have assessed this information and consider the impacts to be acceptable.

The Transport Assessment demonstrates that the opportunities for sustainable transport modes have been taken up, and that safe and suitable access to the site. The access roads have been designed to accommodate buses if a service can be secured.

The layout of the proposal has sought to minimise conflicts with cyclists and pedestrians, and the design and accessibility of the proposal has had regard to the needs of people with disabilities in accordance with paragraph 35 of the NPPF and in accordance with saved Policy GEN15 of the Arun District Local Plan.

Saved policy GEN12 of Arun District Local Plan 2003 states that "the Local Planning Authority will base its consideration of the need for on-site parking provision on its parking standards contained within this Plan". The maximum parking standard for superstore/supermarket is one space per 14 sqm, and one space per 5sqm public area + 2 spaces per bar = 83 (397sqm/5 + 2 x 2) for the public house. The 196 spaces, including 16 disabled and 8 parent/child spaces proposed for the retail units and the public house is compliant with the parking standards for the development.

In respect of cycle parking the 30 spaces proposed across the site are compliant with the SPG, which exceeds the minimum set out in the Local Plan of one cycle space per 16 car parking spaces. The number of motor cycle for the supermarket is 5 spaces , and 9 for the pub. In total, 8 spaces have been provided split across two locations. Although the provision falls short, it is considered acceptable on this occasion given the likelihood of linked trips and the nature of provision.

The objection raised by Network Rail in respect of the level crossing along this PRow has been discussed with the applicant. The applicant considers that whilst they are aware of the issue of safety at the level crossing in Brook Lane, the nature of the route that runs to and from residential area south of the railway line is not a route that visitor to the development would use. This is a PRow that provides a link from Worthing Road (B2187) to Brook Lank on the A2159 via Penfold Lane. Penfold Lane is a grassed track that is generally very muddy with no lights. The applicant therefore consider that it should not be necessary to provide footbridge crossing at the Brook Lane level crossing.

Whilst the Council recognises the need for safe crossing via footbridge as requested by Network Rail, it is considered that as result of the proposed development there will not be any significant increase in the number users along this PRow and the level crossing given the current condition of Penfold Lane.

OVERALL CONCLUSION

This is a complex and detailed application with a number of issues for consideration. The application falls to be determined against Development Plan policies and against the National Planning Policy Framework (NPPF). Local Plan Policy DEV26 provides criteria to assess the suitability of retail proposals providing the existing retail hierarchy is maintained.

The proposed retail development is intended to be occupied by Marks and Spencer Simply Food. The NPPF places significant weight on the need to support economic growth through the planning system. The need for planning to respond positively to sustainable economic growth and prosperity that will support local economy and create employment opportunities which wishes to grow and prosper, and the protection of existing jobs are material considerations that count heavily in favour of this application.

The proposed retail development has been assessed against the requirements of the NPPF. The Council's retail consultant identified the proposal as being likely to have a negative effect on Littlehampton Town Centre and Rustington Village Centre. However, he concludes that 'we have examined the results of alternative assumptions and conclude that the proposal on its own would have a limited impact on the relevant centres and that this could be overcome with suitable mitigation.'

The applicants have agreed to make a contribution to the Council to support regeneration and economic development initiatives in Littlehampton and Rustington working with the town and parish councils respectively to aid them in promoting a vibrant and resilient town centre. The proposed contribution is considered to be sufficient to offset the negative impacts of the proposed development, and ensures that the proposed retail stores are acceptable in retail planning terms.

On this basis, the applicant would propose the following:

- Town Centre Manager - 2 years - £99,444
- Environmental improvements (full cost assuming undertaken over 2 years) - £75,000
- Marketing, promotion and events - 2 years - £40,000
- Total £214,444

The contribution by the applicant to support future regeneration and economic development initiatives in the Littlehampton and Rustington is considered acceptable. The applicant has also signed the Arun Developer and Partner Charter Plus Agreement.

The proposed development is located on an urban edge site in close proximity to other retail developments. The proposal is not considered to significantly conflict with the character of the area, and will not have any significant adverse effect in landscape terms.

It is therefore considered that the proposal is consistent with the sustainable development of the area, and is recommended for approval.

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 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 a positive impact has been identified upon those people with the following protected characteristics: disability as the proposal provides suitable accessible parking spaces allowing disabled persons to access a greater range and choice of shopping facilities.

A neutral impact has been identified upon those people with the following protected characteristics: age, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

SECTION 106 DETAILS

- Town Centre Manager - 2 years - £99,444
- Environmental improvements (full cost assuming undertaken over 2 years) - £75,000
- Marketing, promotion and events - 2 years - £40,000
- Total £214,444

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 1 In respect of the part of the application where Outline Permission is granted (Public House), the permission hereby granted is an Outline Permission under Section 92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

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

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

- 2 In respect of the part of the application where Outline Permission is granted (Public

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

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

- 3 In respect of the part of the application granted in Full Permission (Retail unit) the development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

- 4 In respect of the part of the application granted Full Permission (Retail unit), the development hereby approved shall be carried out in accordance with the following approved plans :

Drawing Number: 1117-P-10 Existing Location
Drawing Number:1117.P-11E Site Plan
Drawing Number:1117-P-12 Unit A Floor Plan
Drawing Number:1117-P-13 Unit A : Elevations
Drawing Number:1117-P-14 Unit A : Elevations
Drawing Number:REDW-3167-111 Highway Access Plan

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 5 In respect of the part of the application where Outline Permission is granted (Public House), the development hereby approved shall be carried out in accordance with the following approved plans :

Drawing Number: 1117-P-10 Existing Location
Drawing Number:1117.P-11d Site Plan
Drawing Number:REDW-3167-111 Highway Access Plan

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 6 No development shall take place within the area indicated until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: The site is of archaeological significance in accordance with Arun District Local Plan Policy GEN7.

- 7 The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.

Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

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

Reason: To ensure the efficient maintenance and on going operation of the SuDs system and to ensure the best practice in line with guidance set out in 'The SuDs Manual' CIRIA publication ref: C697 Chapter 22.

- 9 The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority.

No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion.

- 10 Construction shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with the approved details.

Reason: To ensure suitable foul and sewerage water disposal.

- 11 If, during development, contamination not previously identified is found to be present at the site then no further development within the affected area (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To prevent development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution in accordance with the NPPF.

- 12 The development permitted by this planning permission shall be carried out in accordance with the following mitigation measures detailed within the Approved Flood Risk Assessment (FRA) 32447/4001:

- Any changes in ground levels are shown to not result in any loss of fluvial flood storage.
- Finished floor levels are set no lower than 0.3m above the 0.1% (1 in 1000) fluvial flood levels already supplied by the Environmental Agency.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently agreed, in writing, by the Local Planning Authority.

Reason: To prevent flooding elsewhere by ensuring that surface water will be attenuated on site to the 1% (1 in 100) annual probability with 30% allowance for climate change.

- 13 The development hereby permitted shall not be commenced until such time as a scheme to discharge surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall include:

1. Calculations showing that the scheme can attenuate the 1% (1 in 100) annual probability event with 30% allowance for climate change on site.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- 14 In respect of the application granted Full Permission (Retail Unit), the retail store shall open for trade between the hours of 07.00 and 23.00 Monday to Saturday and will comply with the Sunday trading Act 1994 (or subsequent replacement) on Sundays. Except for the wee (7 days) immediately before Christmas day and for the week (7 days) immediately before Easter Sunday, when the retail store shall only be open for trade between the hours of 06.00 and 24.00 Monday to Saturday and will, comply with the Sunday Trade Act (or subsequent replacement) on Sundays.

Reason: To comply with Arun District Local Plan policy GEN32, and in accordance with the NPPF.

- 15 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. In the event that such consent is sought and given by the local planning authority the development shall be carried out in accordance with the approved details.

Reasons: To prevent development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution in accordance with the NPPF.

- 16 No development shall commence until the vehicular access serving the development has been constructed in accordance with the approved planning drawing Proposed Location Plan Drawing Number 1117.P-11E

Reason: In the interests of road safety.

- 17 No part of the development shall be first occupied until provision has been made within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority to prevent surface water draining onto the public highway.

Reason: In the interests of road safety.

- 18 In respect of the application granted Full Permission (Retail Unit), no development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters;

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- measures to control the emission of dust and dirt during demolition and construction, lighting for construction and security,
- details of public engagement both prior to and during construction works.

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

- 19 The Approved Framework Travel Plan (Redwood Partnership (PMcL/3167d2/February 2015) shall be implemented in accordance with the timescales specified therein, to include those parts identified as being implemented prior to occupation and following occupation, unless alternative timescales are agreed in writing with the Local Planning Authority. The Approved Travel Plan shall be monitored and reviewed in accordance with the agreed Travel Plan targets to the satisfaction of the Local Planning Authority.

Reason: To support sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking and cycling.

- 20 No development shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 21 If within a period of five years from the date of the planting of any tree or shrub approved under condition 21, that tree or shrub (or any tree or shrub planted in replacement for it) is removed, uprooted or destroyed or dies (or becomes in the opinion of the Local Planning Authority seriously damaged or defective) another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason: To ensure that adequate provision is made for the planting of trees and shrubs and in the interests of maintaining and enhancing the quality and enjoyment of the environment.

- 22 No development shall commence until a scheme for the provision of external lighting has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include full details of the locations, design, luminance levels, light spillage, hours of use, and columns for all external lighting within the site. The approved scheme shall be implemented in full prior to the occupation of the buildings.

Reason: To safeguard the residential amenities of the local area in accordance with policies GEN7 and GEN32 of the Arun District Local Plan.

- 23 The buildings shall not be occupied until the 196 parking spaces, and turning facilities shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policy GEN7 of the Arun District Local Plan.

- 24 The construction of external facing materials for each building shall not take place until details and samples of all external walling, window, door and roofing materials for that building have been submitted to and approved in writing by the Local Planning Authority. Such materials shall be made available on site prior to the commencement of their use, for the inspection of the Local Planning Authority who shall be notified in writing of their availability. The building works shall be constructed from the materials thereby approved.

Reason: In the interests of visual amenity in accordance with Arun District Local Plan Policy GEN7.

- 25 No mechanical ventilation or air conditioning system or any other plant machinery shall be installed or operated for each building until details of the installation and operation of the system have been submitted to and approved in writing by the Local Planning Authority. The system shall thereafter only be installed and operated in accordance with the approved details.

Reason: In the interests of amenity in accordance with Arun Local Plan Policies GEN7, DEV26 and GEN34

- 26 In respect of the part of the application granted Full Permission (Retail unit), external lighting in association with this development shall comply with the Institute of Lighting

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Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Installations for Zone E2.

Reason: To safeguard the residential amenities of the local area in accordance with GEN7 and GEN32 of the Arun District Local Plan.

- 27 In respect of the part of the application granted Full Permission (Retail unit), prior to the commencement of construction of a phase, written evidence will be submitted to and approved in writing by the Local Planning Authority that the development is registered with a BREEAM certification body and a preassessment report (or a design stage certificate with interim rating if available) has been submitted indicating that the development can achieve the BREEAM level "Good". The documentation will include an energy plan showing that a minimum of 10 percent of on-site energy will be produced by low and zero carbon technologies. The statement shall be approved by the Local Planning Authority and the building should be constructed in accordance with the detailed scheme.

Prior to the occupation of each phase of the development a post construction review statement for that phase shall be submitted by the applicant including a BRE certified BREEAM final assessment and associated paper work and approved in writing by the Local Planning Authority.

Reason: To reduce carbon dioxide and other greenhouse gas emissions and adapt to climate change in accordance with Policy GEN21 of the adopted Arun District Local Plan.

- 28 Prior to the commencement of development of any preparatory works an Ecological Protection & Enhancement Plan shall be submitted to and agreed in writing by the Council. The Plan shall be based on the mitigation measures proposed in Preliminary Ecological Assessment dated November 2014 prepared by Middlemarch Environmental and the Water Vole and Reptiles Survey by Urban Edge Environmental Consulting in May 2015 and will include a programme of ecological monitoring to inform the long term management of the site. The Plan will include full mitigation strategy for Water Voles and Reptiles and a work programme with clear timelines for each mitigation measure to be carried out. The mitigation measures shall be implemented in accordance with the timescales set out in the agreed plan.

Reason: To ensure the protection and retention of biodiversity in accordance with Arun District Local Plan Policy GEN29

- 29 In respect of the part of the application granted Full Permission (Retail unit), demolition and construction works shall not take place outside 08.00 hours to 18.30 hours Mondays to Fridays and 08.00 hours to 13.30 hours on Saturday. There will be no construction on Sundays or Bank Holidays.

Reason: To safeguard the residential amenity of the area in accordance with the Arun District Local Plan.

- 30 In respect of the part of the application where Outline Permission is granted (Public House), prior to the commencement of construction of a phase, written evidence will be submitted to and approved in writing by the Local Planning Authority that the development is registered with a BREEAM certification body and a preassessment report (or a design stage certificate with interim rating if available) has been submitted indicating that the

development can achieve the BREEAM level "Good". The documentation will include an energy plan showing that a minimum of 10 percent of on-site energy will be produced by low and zero carbon technologies. The statement shall be approved by the Local Planning Authority and the building should be constructed in accordance with the detailed scheme.

Prior to the occupation of each phase of the development a post construction review statement for that phase shall be submitted by the applicant including a BRE certified BREEAM final assessment and associated paper work and approved in writing by the Local Planning Authority.

Reason: To reduce carbon dioxide and other greenhouse gas emissions and adapt to climate change in accordance with Policy GEN21 of the adopted Arun District Local Plan.

- 31 In respect of the part of the application where Outline Permission is granted (Public House), demolition and construction work shall not take place outside 08.00 hours to 18.30 hours Mondays to Fridays and 08.00 hours to 13.00 hours on Saturday. There will be no Sundays or Bank Holidays.

Reason: To safeguard the residential amenity of the area in accordance with the Arun District Local Plan.

- 32 In respect of the part of the application where Outline Permission is granted (Public House), no development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters;

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- measures to control the emission of dust and dirt during demolition and construction, lighting for construction and security,
- details of public engagement both prior to and during construction works.

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

- 33 INFORMATIVE

Please note that related to this permission there is an agreement under Section 106 of the Town & Country Planning Act 1990.

- 34 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or

being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 35 **INFORMATIVE:** This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

