

REPORT UPDATE

Application No: A/30/26/PL

Reason for the Update / Changes

Reason for Update/Changes: Further details received from applicant regarding surface water drainage design and response from ADC Engineers.

OFFICERS COMMENTS

The additional information provided by the applicant has essentially reaffirmed their previous position and includes the following comments:

- The site is capped with impermeable clay to a considerable depth and has underlying structureless chalk. This is evidenced by the borehole log. It was anticipated that this would be more than sufficient to establish that infiltration is not viable or, indeed, appropriate.
- The scheme will mitigate over 1,100m² of rainfall catchment area, with runoff being attenuated, thereby reducing the existing flow off site.
- Rainwater harvesting is an impractical solution for a garden centre development.
- Source Control and Evapotranspiration: Rainwater falling on the canopy is initially intercepted by the roof surface, which is constructed of polycarbonate. For minor rainfall events (typically the first 5mm), a significant proportion is lost through evaporation directly from the canopy material and supporting structure before entering the drainage system.
- The scheme has been redesigned to the standards requested, i.e. engineered as a greenfield site using FEH methodology, and revised calculations and drawings have been provided to demonstrate compliance. The applicant has expressed concern regarding the small aperture size of the proposed outfall and the potential for blockages, which was one of the reasons for proposing the original scheme.

ADC Engineers have provided a further response to these issues:

- No desktop study or ground investigation has been submitted to provide an appraisal of the local hydrogeology. The drainage strategy states that there is a 4.6m clay cap; however, no supporting evidence has been provided.
- A single borehole log has now been submitted within email correspondence, without the accompanying ground investigation report. This identifies a layer of gravelly clay (with silty sand horizons) between 1.2m and 3.5m below ground level, which may have infiltration potential depending on groundwater levels.
- Hangleton Lane suffers from significant flooding due to inadequacies in the watercourse network and overland flows onto the road.
- There will be a significant irrigation demand at the site, and the collection of rainwater for reuse is considered a higher priority than discharge to a piped surface water drainage system. Rainwater harvesting should therefore be incorporated into the design. The arguments advanced to demonstrate that rainwater harvesting is not feasible are not considered acceptable, and some degree of rainwater reuse should be incorporated.
- The submission does not currently provide evidence of the ground conditions described in the drainage strategy.
- If discharge to ground is not viable and a connection to a piped surface water drainage system is required, the downstream connectivity should be evidenced within the submission.
- Evidence has not been provided to justify the absence of interception drainage within the proposed sustainable drainage design.
- The drained area used in the calculations does not correspond with the area used for the greenfield

runoff calculations, and a drained area plan has not been submitted. The proposed design peak discharge rate is more than five times the calculated 50% AEP greenfield runoff rate but is within five times 3 l/s/ha and is therefore considered acceptable, subject to confirmation of the drained area.

ADC Engineers therefore maintain their objections in relation to Standards 1, 2 and 3 of the National Standards for Sustainable Drainage Systems (NSfS).

OFFICERS SUMMARY OF ADDITIONAL INFORMATION

No changes to the recommendation or reason for refusal have been made.

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 Report for Planning Permission

REF NO: A/30/26/PL

LOCATION: Highdown Garden Centre
Littlehampton Road
Ferring
BN12 6PG

PROPOSAL: Demolition of existing open sided structures and erection of retail canopies and restaurant lobby. This application is in CIL Zone 3 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Erect and replace canopies over existing external sales area and provide a small lobby for the restaurant. The garden centre comprises several distinct elements. The main sales area is formed of three interconnected buildings: a dual low-pitched, industrial-style unit; a simple rectangular industrial unit at the southern end; and, to the east, a traditional Sussex-style barn.

The canopies to be demolished are simple, barrel vaulted, steel framed structures measuring approximately 3.2m high. The replacement canopies adopt a traditional dual pitched form with a maximum height of approximately 6m. Whilst these exceed the height of the main sales area (c.4m), they remain notably lower than the cafe extension approved under A/132/23/PL.

SITE AREA

approx. 2052 sqm.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance.

BOUNDARY TREATMENT

To the East is a dense row of trees, mature planting and boundary fence. The South in part, features a wooden boundary fence, but is predominantly met by grass verges, a

	low wooden fence, and the A259. To the North and East is the remainder of the garden centre.
SITE CHARACTERISTICS	Large Garden Centre with outdoor storage area, car park, cafe, and sitting area.
CHARACTER OF LOCALITY	Car showroom and sales unit to the east. There are a small number of residential units to the north and a larger residential settlement to the south of the A259.

RELEVANT SITE HISTORY

A/132/23/PL	Erection of extension to garden centre coffee shop and kitchen. This application is in CIL Zone 3 (zero rated) as other development.	ApproveConditionally 06-07-23
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REPRESENTATIONS

Angmering Parish Council - Support.

- Good addition to a growing and thriving business and an asset to the economy.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No objection.

- Contamination condition requested.

ADC Drainage Engineers (including in person discussion with Principle Engineer) (15/5/2026) - Objection
- The drainage strategy (email dated 30 March) states there is a 4.6m clay cap but no evidence was provided. Awaiting an evidenced desktop appraisal to support the selection of a piped discharge over the higher priority of discharge to ground. Typically intrusive ground investigation is required to confirm if infiltration or a partial infiltration solution is possible.

- It is quite likely that infiltration will be limited but they need to prove it by intrusive investigation.

- The drainage layout currently does not show the outfall position.

- It has been indicated that ADC are NOT the owners of the Ordinary Watercourse. This will have a riparian ownership status.

- There is an existing flooding issue in Hangleton Lane immediately downstream of this development. The highway floods to a significant depth and one property suffers internal flooding.

- The reuse of rainwater for irrigation / horticulture is commonplace and should not be disregarded due to inherent challenges. Water re-use storage can be separate from storm water attenuation. There is likely to be an appropriate, safe and useable volume of rainwater reuse which is likely to be more than zero.

- Interception features are still not provided.

- Flood Studies Report data is no longer industry standard for assessing extreme rainfall and is replaced by data within the Flood Estimation Handbook (current latest FEH22). Guidance from the Environment

Agency and Arun DC confirms FEH data should be used for assessment of new development.

- Full copies of any investigative reports (inclusive of borehole logs) are required.

ADC Drainage Engineers (8/4/2026) - Objection

- The proposal introduces changes to site drainage and new drained roof areas which affect site drainage arrangements and trigger the requirement for sustainable drainage under NPPF paragraph 182.
- A Drainage Statement has not been submitted and the submitted Drainage Layout drawing provides insufficient information and does not meet local standards for assessing sustainable drainage.
- Site is not at significant risk of flooding from external sources, a Flood Risk Assessment is not required.
- The proposed runoff destination is to a restricted piped outlet connecting to the existing drainage system but the downstream outfall and connectivity are unclear.
- Rainwater harvesting has not been considered despite irrigation demands and should be prioritised in accordance with National Standards for SuDS.
- Infiltration drainage has not been justified or ruled out and no evidence has been provided to demonstrate why infiltration would be unsuitable, this approach does not comply with National Standards for SuDS Standard 1 and an objection is raised.
- Interception drainage is not incorporated into the design and no justification for its omission is provided. The scheme does not comply with National Standards for SuDS Standard 2 - an objection is raised.
- The drainage design includes flow restriction and below ground attenuation but no calculations have been provided to demonstrate compliance with greenfield runoff rates. Management of extreme rainfall events has not been adequately addressed and the proposal does not comply with National Standards for SuDS Standard 3.
- No water quality mitigation measures are shown and no assessment has been undertaken using the Simple Index Approach or similar methodology. An assessed including mitigation is required.
- No amenity or multifunctional benefits are proposed or assessed within the drainage design however, given the small scale and use of the development an exception to National Standards for SuDS Standard 5 is considered acceptable.
- No biodiversity enhancements are proposed or assessed as part of the drainage design however, due to the scale and nature of the development an exception to National Standards for SuDS Standard 6 is acceptable.
- A drainage maintenance plan has not been submitted however, as the site is under single ownership a maintenance plan can be secured by planning condition.

WSCC Drainage Engineers (31/3/2026) - Objection

- A drainage layout has been submitted but it is not supported by a drainage strategy or technical calculations to demonstrate suitability and viability. In the absence of such assessments the flood risk implications of the development cannot be adequately assessed.
- An objection is raised due to the lack of sufficient information to demonstrate satisfactory management of local flood risk.
- The proposal fails to demonstrate appropriate control of surface water flow paths storage and disposal during a range of rainfall events.
- It has not been shown that the SuDS would operate effectively for the lifetime of the development
- The objection is made to ensure compliance with National Planning Policy Framework paragraphs 181, 182 and 187 relating to flood risk and sustainable drainage.

WSCC Highways (LHA) - Advice

- No changes are proposed to the existing vehicular access arrangements as such, the development is not expected to result in a material increase in vehicle movements to or from the site
- Existing parking provision will be retained and is considered sufficient to meet operational needs,
- Does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (paragraph 111), and there are no transport grounds to resist the proposal.

Southern Water (SW) - Advice

- The drainage plan shows a sewer crossing the site which does not appear on SW records, further assessment is required to confirm the sewer's location ownership and potential constraints on the proposed layout.
- If SW adoption of the SuDS is intended the system must be designed and constructed in accordance with Design and Construction Guidance.
- Soakaways must not be connected to the public surface water sewer.
- Where SuDS form part of a continuous sewer system adoption will only be considered if they comply with relevant Design and Construction Guidance CIRIA guidance and Southern Water SuDS standards and where SuDS include non adoptable components suitable long term maintenance arrangements must be put in place to ensure effective operation.
- Any new connections to the public sewerage system will require a Section 106 connection application to be submitted and approved by Southern Water Services.
- Other details regarding foul sewage/trade effluent.

South Downs National Park - No comments to make.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

The Agent responded to comments made by Southern Water. The comments were as follows 'The application relates only to the provision of new external sales canopies and associated surface water drainage as shown on drawing 140, with no changes to foul drainage. Surface water will drain via rainwater pipes and channels into engineered attenuation crates before connecting to the existing private surface water system, with no soakaways or new connections proposed. The scheme represents an improvement over the existing situation, which lacks formal attenuation. No trade effluent or grease control is involved, demolition is limited to the replacement of an existing drained polytunnel, and the only public sewer is located outside the site boundary.'

POLICY CONTEXT

Outside Built-up Area Boundary.
Area of special control (adverts).

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
QESP1	QE SP1 Quality of the Environment
QEDM4	QE DM4 Contaminated Land
RETDM2	RET DM2 Garden centres
WSP1	W SP1 Water
WDM3	W DM3 Sustainable Urban Drainage Systems
TSP1	T SP1 Transport and Development

[Angmering Neighbourhood Plan 2014 POLICY HD1](#) Built-up Area Boundary

PLANNING POLICY GUIDANCE:

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 Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal conflicts with relevant Development Plan policies in that it has not demonstrated that flood risk would not be increased on site or elsewhere.

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

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

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**PRINCIPLE**

The key Development Plan policies relevant to this application are C SP1, D DM1, D DM4, RET DM2, T SP1, QE SP1, QE DM4, W DM3 and W SP1 of the Arun Local Plan (ALP), and policies HD1 and HD4 of the Angmering Neighbourhood Development Plan (ANP). The Arun Parking Standards are also relevant.

The site is outside of the Built-up Area Boundary as defined by policy HD1 of the ANP. ALP policy C SP1 states that land outside of the Built-up boundaries are defined as countryside and recognised for its intrinsic character of beauty. There are then six caveats which allow development to be permitted. Development can be in accordance with C SP1 if it refers to a specific use or type of development covered by another policy. In this case policy RET DM2 is of relevance and so it remains in accordance with policy C SP1.

GARDEN CENTERS

ALP policy RET DM2 states subject to compliance with other policies in the Plan, extensions to garden centres will be permitted where the garden centre is connected to an existing farm or nursery, makes use of suitable existing buildings where possible, and does not harm the viability of nearby retail centres or village shops. The development should not adversely affect the character, appearance or amenities of the area, including impacts from activity levels, parking and access. Adequate and safe vehicular access to the road network must be available, with no severe residual impacts on highway safety or residential amenity. Proposals likely to attract significant visitor numbers should be in accessible locations and supported by realistic travel plans. It must be demonstrated that adequate water supply capacity exists, and that sustainability and options appraisals, mitigation measures and a soil resources plan have been submitted.

The proposal seeks the demolition of 628sqm of open sided canopies and its replacement plus another 500sqm of open sided canopy covering the outdoor sales area of the garden centre. A small lobby area; 30sqm, is proposed to better the movement of customers who wish to access the restaurant/cafe. The canopies do not seek to increase the sales area, just cover part of the existing outdoors sales area.

The canopy requires replacement as after 25 years they have come to the end of their lifespan. It is not expected that the proposal will have significant bearing on visitor numbers, it will allow for a better movement of users and may allow users to stay on site longer (especially during more inclement weather) but the proposal does not seek to create additional sales floor area, the canopies are to partially cover the outside retail area and to protect stock from severe weather.

Issues including the character, appearance or amenities of the area, highway safety and water supply will be discussed below. In terms of viability, the reuse of existing buildings and visitor numbers the proposal accords with policy RET DM2.

DESIGN AND VISUAL AMENITY

Given the substantial footprint and scale of the garden centre buildings, together with the presence of large glasshouse structures across the site, the proposed canopies appear proportionate within their context. Due to their setback from Hangleton Lane and the presence of mature boundary vegetation, visibility from the public realm would be limited, and the structures would not appear as a prominent feature in the street scene. No harm to the visual amenities of the area is identified.

Although the canopies are not subservient in height to the principal building, they are secondary in visual terms when viewed alongside the wider site context, including the approved cafe extension. Their simple design allows views through and beneath the structure, ensuring the host building remains perceptible. Whilst they do not fully integrate with the architectural form of existing buildings, their functional role in providing protection for customers is acknowledged and considered acceptable.

The lobby extension is single-storey with a flat roof and would appear visually subservient to the main buildings and cafe extension. It is appropriately designed and integrates satisfactorily with the building.

The canopies have a steel frame with gables clad in white aluminium glazing with opal polycarbonate panels. The proposed materials are consistent with those on site and would not appear incongruous within the overall composition.

The development is considered acceptable in visual terms and accords with ALP policies D DM1 and D DM4, and ANDP policy HD4. No demonstrable harm arising from the scale or design of the canopies has been identified that would warrant refusal.

RESIDENTIAL AMENITY

This part of the garden centre is located away from residential properties and the scale, nature and siting of the extensions are such that there would be no adverse impacts by way of overbearing, overshadowing, or overlooking on any neighbouring dwellings.

The proposal is compliant with policies D DM1, D DM4 & QE SP1 of the ALP.

FLOODING AND DRAINAGE

ALP Policy W SP1 states that development will be encouraged to include water efficiency measures, enhance the quality of the water environment and will be encouraged to make active use of surface water as a design feature where it can provide additional flood relief. ALP Policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS) as appropriate to the size of development.

The NPPG (056), the SuDS Manual and the National Standards for Sustainable Drainage Systems (which the NPPG guides designers towards (057)) outline the key principle of SuDS. This includes applying the drainage hierarchy, which prioritises discharge locations for surface water falling on site. These documents are clear, each priority location should be fully optimised to discharge surface water before moving on to the next priority location. Robust evidence is required to prove a discharge location is not feasible, cost, ease of discharging to a location or existing historic non-compliant connections are not appropriate justification. Where a designer is seeking not to utilise the upper most priority location; evidence should include groundwater monitoring and infiltration testing at the location and to the depth of infiltration feature.

Part of the access route to the west and north of the garden centre and the access itself adjacent to the highway fall between low to high risk of current and future (2040 -2060) surface water flooding when Climate Change is taken into account. The length of Hangleton Lane is also at a high risk of surface water flooding in the same events.

The proposed drainage strategy is to collect surface water falling on site, attenuate it, and discharge it via existing connections to an ordinary watercourse located on the eastern side of Hangleton Lane. This watercourse flows into a highway drain owned by West Sussex County Council. The approach of attenuation and discharge to the watercourse does not accord with the sustainable drainage hierarchy.

Water re-use (the highest priority discharge location) has been discounted by the applicant, despite having large irrigation demands. The applicant stated that a harvesting tank would remain full, and cause issues at times of heavy rainfall and that its requirements are unreasonable and disproportionate. It is ADC's view that rainwater harvesting would never represent a whole system solution, rainwater harvesting can be undertaken to its maximum extent, with a final alternative discharge location being provided to ensure flood risk is not increased. Other smaller schemes integrate an element of rainwater re-use and the applicant's justification is not robust.

No site specific ground investigations have been undertaken to demonstrate infiltration is not feasible. Reliance has been placed on limited borehole data and general assumptions regarding soil composition. A single borehole sample has been submitted as part of the additional information; however, this forms only a small extract from a wider report and no details of the borehole location have been provided. This evidence is not considered reliable. Soil composition alone should not be used to discount infiltration as a drainage option.

The applicant's engineers advised that beneath the clay layer on site there is a deep chalk layer. It has been suggested that infiltration into this layer could result in dissolution of the chalk and potential collapse. This assertion has not been supported by geotechnical assessment and remains unverified and it cannot be given significant weight. Consequently, the applicant has not adequately demonstrated that

higher priority methods of surface water discharge have been suitably ruled out. Arun's Engineers object on this basis in relation to Standard 1 (runoff destinations) of the Non Statutory Technical Standards for Sustainable Drainage (NSfS).

In respect of Standard 2, where infiltration is not proposed, the interception of the first five millimetres of rainfall from the majority of events should occur on site and not discharge elsewhere. Whilst the application suggests that evaporation from the roof structure will occur, no evidence has been provided to substantiate this. It is expected that additional interception measures may be required. ADC's Engineers object to Standard 2 (interception) of the NSfS on these grounds.

Standard 3 (management of extreme rainfall and flooding) relates to the management of extreme rainfall events and flood risk. Whilst further calculations were submitted, ADC's Engineers confirm that appropriate rainfall profiles have not been used, the coefficient of variation values are too low, and the peak outflow has not been aligned with existing brownfield rate rather than the greenfield runoff rates. As a result, it cannot be concluded that proposed attenuation would adequately accommodate the required storm events (volume) or that runoff rates would meet the greenfield discharge rate and any claims of betterment made by the applicant which area based on existing site conditions are not policy or guidance compliant. No agreement has been reached with ADC's Engineers on any relaxation of this requirement.

Furthermore, should infiltration be robustly demonstrated as unviable no information has been provided in respect of downstream connectivity or the hydraulic capacity of the ordinary watercourse. As such the alternative priority discharge location, has not been proven viable either. This could lead to an increased flood risk or elsewhere (and especially where surface water flooding event already occur). The proposal fails to accord with Standard 3 and ADC's Engineers have objected on these grounds.

The proposal fails to accord with paragraphs 056 and 055 of the NPPG such that the potential multifunctional benefits of SuDS have failed to be realised and the SuDS hierarchy bypassed for lower priority options. The proposal has not submitted the minimum standards of information to allow the impacts of flooding to be dually assessed by the authority. The proposal has not demonstrated compliance with NPPF paragraphs 164(a), 170, 172(c), 181 and 182 which in combination seek to reduce an increase in vulnerability of climate change, make development safe for its lifetime from the risks associated with flooding and ensure flood risk is not increased by incorporating sustainable drainage into development.

The proposal has failed to comply with policy W DM3 of the ALP and does not gain the support of policy W SP1 of the same. It also conflicts with the relevant parts of the NPPG and NPPF including the SuDS Manual and the NSfS. The increased risk of flooding on site and elsewhere would have negative impacts on environmental and social objective (flooding of other property etc). Should this risk be realised on site, it may also impact the business itself and potentially impact other business further up Hangleton Lane.

CONTAMINATION

The site is a garden centre and the proposal would occupy a large section of an outdoor sales area. There is some risk of contamination at the site that would implicate the extensions and their use. If the recommendation was for approval a condition could be attached to require investigation of this risk, and propose remediation works for the approval of the Local Planning Authority. These works are required to be verified once taken place. Subject to such a condition, the proposal would be in accordance with policy QE DM4 of the ALP.

TRANSPORT IMPACTS

The site access will remain the same and not give rise to any unacceptable impact on highway safety. The proposal does not decrease the number of available parking spaces. The proposal does not create more sales area, as such the existing number of parking spaces on site is sufficient.

The proposal is in compliant with Policy T SP1 of the ALP, and policy HD8 of the ANP.

SUMMARY

The proposal is not compliant with ALP policy W DM3 and does not comply with policies RET DM2 and C SP1 and is in conflict with the plan as a whole. In terms of conflict with an up-to-date Development Plan the NPPF guides us to achieve sustainable development.

The NPPF (paragraph 8) sets out three overarching objectives of sustainable development: economic, social and environmental. These objectives are interdependent and should be pursued in mutually supportive ways to ensure development meets the needs of the present without compromising those of future generations.

NPPF paragraph 8 is clear that the three objectives must be delivered in a balanced way. The proposal relies on limited and unsubstantiated economic benefits, which are outweighed by identified environmental harm, particularly in relation to flood risk, and associated social impacts. The development fails to achieve a balanced approach to sustainable development.

Turning to NPPF paragraph 11(d)(ii), this advises that where the most important policies for determining an application are out of date, planning permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits. Whilst the Council is currently unable to demonstrate a five-year housing land supply, the most important policies relevant to this application are not out of date and remain consistent with the NPPF and decisions are taken in accordance with ALP policies.

The application does not adequately demonstrate that suitable drainage infrastructure can be delivered, nor that flood risk would be appropriately mitigated. This creates significant uncertainty and a clear risk of increased flooding on and off the site.

The unresolved flood risk issues mean it cannot be concluded that the development would provide a safe, high-quality or sustainable environment over its lifetime. This conflicts with NPPF objectives relating to effective land use and the delivery of healthy, well-designed places. The risk of flooding has the potential to adversely affect the safety and living conditions of neighbouring (of the site) occupants, thereby conflicting with the social objective of the NPPF.

In the planning balance, the proposal would deliver limited and unsubstantiated economic benefits. These are significantly and demonstrably outweighed by the environmental harm arising from unresolved flood risk, together with the associated adverse social impacts. The proposal constitutes unsustainable development and conflicts with the Development Plan, the NPPF and the NPPG. Accordingly, the application is recommended for refusal.

HUMAN RIGHTS ACT

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

Consideration has been specifically given to Article 8 (Right to respect private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the

rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This application is not CIL liable.

RECOMMENDATION

REFUSE

- 1 The application fails to provide an acceptable surface water drainage strategy. It has not satisfactorily demonstrated that on-site infiltration is unfeasible, nor has it provided adequate evidence to show that discharge to the surface water sewer would not increase runoff rates or volumes above existing greenfield condition, a relaxation factor has not been agreed. Insufficient information has been submitted to confirm the capacity of the proposed receiving network.

As a result, it has not been demonstrated that surface water runoff from the site would be appropriately managed, or that the proposal would not increase the risk of flooding on site or elsewhere. The scheme fails to follow the sustainable drainage hierarchy and does not incorporate SuDS measures that provide interception, water quality treatment, or delivers wider multifunctional benefits.

The proposal is contrary to Arun Local Plan Policies W DM3 and W SP1, and the objectives of the NPPF and NPPG relating to flood risk and sustainable drainage.

- 2 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm, which has been clearly identified within the reason(s) for the refusal, approval has not been possible.