

REPORT UPDATE

Application No: A/74/13/

Reason for the Update / Changes

Reason for Update/Changes:

- 1) Clarification on Highways and Transport.
- 2) Suggested Amendments to Conditions.
- 3) To amend the recommendation as a final response has not yet been received from the Highways Agency.

Note: The changes to recommendation and conditions and/or reasons show under Officers Recommendation at the end of the attached report.

CLARIFICATION:

On Page 37 of the agenda the 3rd Paragraph states:

"The applicants have provided information on the home locations of the existing employees of the site. The nature of the location of these inevitably means that there will be an increase in road traffic movements accessing the site via the A27 and various junctions. The Highways Agency have assessed this impact and have concluded that it is not likely to have a severe impact on the capacity of the trunk road network and is therefore considered to be acceptable."

This statement is incorrect. The second sentence should state: "The Local Highways Authority have assessed this impact and have concluded that it is not likely to have a severe impact on the capacity of the local highways network and is therefore considered acceptable."

CONDITIONS:

The following amended conditions are recommended:

Condition 2 - amended to include list of approved plans

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

Existing Location and Block Plan 0764-PA-001 Rev C
Proposed Site Plan 0764-PA-010 Rev B
Planting Plan cbla/TVP/P/001/B
Proposed Warehouse Elevations 0764-PA-013 Rev C
Proposed Covered Storage Elevations 0764-PA-014 Revision A
Access Road to rear Development 35201-102 Rev B

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 of the Arun District Local Plan.

Condition 7 - amended to clarify that condition should apply from first occupation.

From first occupation of the development hereby approved the equivalent continuous A-weighted sound pressure level over any 15 minute period (LAeq 15min), arising from machinery and operations at the site shall not exceed the background noise level (LA90, 5min) by more than 5dB(A), when measured at the boundary of any residential property.

The maximum noise level (L_{Amax}) from machinery and operations at the site shall not exceed 60dB(A), when measured at the boundary of any residential property. All noise measurements shall be made according to the main procedural requirements of BS 4142:1990

Reason: To safeguard the amenities of neighbouring residential properties and their occupiers in accordance with policies GEN7, GEN32 of the Arun District Local Plan.

Condition 8- amended to clarify that the development includes office space.

Other than the area shown for "Trade Counter" and "Offices" on the approved plans the units shown on the plans hereby permitted which shall be used solely for the purposes within Use Class B8 as defined in the Town and Country Planning (Use Classes) Order, 1987 as amended.

Reason: To enable the Local Planning Authority to control the use of the premises in detail having regard to the amenities of nearby residential properties in order that the Local Planning Authority may regulate and control the use of the premises in accordance with policy GEN7 of the Arun District Local Plan.

Condition 9 - amended to clarify that condition should apply from first occupation.

From first occupation of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority the total number of Heavy Goods Vehicle movements associated with the development hereby permitted, shall not exceed 30 per day. For the avoidance of doubt a Heavy Commercial Vehicle shall have a gross vehicle weight of 7.5 tonnes or more and the arrival at site of a Heavy Goods Vehicle and departure from it count as separate movements.

Reason: In the interests of safeguarding local amenity and the amenity of the users and in the interest of road safety.

Condition 32- to clarify the legal situation as a full planning application cannot be subject to agreeing the layout.

Prior to the commencement of development the applicant will submit to the District Council, and have approved in writing a scheme detailing arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site. The scheme should detail how the approved development will not restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site. The scheme so approved shall be adhered to in the construction of the building.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage

report

Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion.

The following additional condition is recommended:

Condition 33 Materials

No development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls, including the proposed green wall support lattice, and roof of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/setting of the the Listed Building/ by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

CHANGES TO THE RECOMMENDATION

As set out in the conclusions section of the report the Highways Agency have requested some further detailed information regarding traffic and non-motorised user surveys, accident information, departure from standards. The applicants have submitted this information to the Highways Agency on 2nd September 2013.

The Highways Agency have issued a Direction on Behalf of the Secretary of State for Transport directing that the application is not to be determined in advance of 17th October 2013 or their further consultation response. This was expected in advance of the committee meeting but has not yet been received.

As a result, the recommendation should be ammended to read:

"That Committee delegate responsibility to the Assistant Director for Planning and Economic Development to approve the application subject to no objection being received from the Highways Agency".

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/74/13/

Recommendation Report for Planning Permission

REF NO: **A/74/13/**

LOCATION: The Vinery
 Poling

PROPOSAL: Proposed distribution warehouse and covered storage, trade counter and associated offices. Upgrading of access road for and improvement of existing junction with the A27. This application is a Departure from the Development Plan and affects a public Right of Way.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed development comprises a warehouse and office building of 6,400 m ² , covered storage of 5,337 m ² and associated roadways and parking. The proposed building lies to the centre of the site with a single covered storage area to the east. The main building will comprise a twin gabled steel frame construction with a maximum height at the ridge of 9 metres. The covered storage construction would be of a maximum height of 5.5 m.
SITE AREA	4.65ha
RESIDENTIAL DEVELOPMENT DEN	n/a
TOPOGRAPHY	The land within the site which is generally flat and level lies approximately 1.3m lower than the existing industrial site. There is a drainage ditch running across the site from north to south and this connects to a further drainage ditch along the southern boundary of the site. Surrounding topography is generally flat which affords views to properties on Poling Street to the west, Decoy Wood to the east and south towards Manor Farm and the Black Ditch.
TREES	There are a number of trees along the eastern, western and southern boundaries of the site. The proposed landscaping scheme seeks to incorporate these into the landscaping for the site.
BOUNDARY TREATMENT	- Northern boundary to the Vinery commercial estate is marked by mature leylandii cypress trees and wire fencing to 2 metres tall. - Eastern Boundary marked by low hedge. - Southern boundary marked by drainage ditch on the eastern half of the site with some mature trees, hedging

and wire fence distinguishing the western part of the southern boundary.

SITE CHARACTERISTICS

The proposed development site comprises two fields of approximately 4.65 ha (11.5 acres), immediately south of the existing industrial buildings at the Vinery, adjacent to the A27.

To the east of the site is a strip of land that is owned by the residential properties to the north and which provides the location of, and access to, a private sewage treatment works at the southern end. The application proposes that this strip of land will be retained by the residents although it is proposed that access to the sewage treatment plant will be from within the Fargo site.

At the north east corner of the site is the existing Yarmer Barn which is currently occupied by a tenant. The proposal includes a new access to this through the Vinery Industrial Estate and the Vinery, but the building is otherwise not affected by the development.

The existing landscape features around the edge of the site include a number of mature trees including hawthorn and oaks, and a number of other mature trees and bushes. The application proposes to retain these and incorporate them into existing landscaping proposals.

CHARACTER OF LOCALITY

The site is rural in character with open agricultural land being found to the south, east, and west. The application site relates well to the adjacent Vinery commercial estate which has a variety of businesses operating from it.

To the north-east of the site (and to the east of the Vinery) there are a number of terraced dwellings running north-south called "Lillian Terrace" which are clearly delineated from the rural character of the application site by a clear boundary.

RELEVANT SITE HISTORY

A/14/05/	Change of use of site from mushroom production facility to industrial B1 and B8 uses. Retention of portable building & cladding on units 1 - 8.	Approve Conditionally 23-11-2005
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Officers have reviewed the site history and have not identified any application that would be a material consideration in the determination of this application.

A/74/13/

A/191/06/	Proposed buildings to house in-vessel composting unit for green and kitchen waste including maturation area, bio-filters, administration/canteen building and perimeter fence. Revised application following A/11/05/. (Dual Parish with PO/5/06/) This is a County Matter to be determined by West Sussex County Council)	Refused by WSCC 17-07-2007
A/37/08/	Proposed buildings to house in-vessel composting unit for green kitchen waste including maturation area, bio-filters, administration/canteen building and perimeter fence. Revised application following A/191/06/ & PO/5/06/. This application also falls within the parish of Poling. This is a County Matter to be determined by West Sussex County Council	ApprvdCond-WSCC 28-05-2008
A/120/08/	Relocation and renovation of existing industrial buildings -Use for B8 Storage and distribution	ApproveConditionally 23-12-2008
A/42/10/	Change of use from agricultural barn to B1/B8 (light industrial)	ApproveConditionally 26-05-2010
A/102/10/	Renewal of unimplemented planning permission A/37/08/ for proposed buildings to house in-vessel composting unit for green kitchen waste including maturation area, bio-filters, administration/canteen building and perimeter fence. This application also falls within the parish of Poling. This is a County Matter to be determined by West Sussex County Council	Objection 15-09-2010
A/136/10/	Addition of fire door and five windows to the west elevation of existing industrial building.	ApproveConditionally 23-11-2010
PO/2/11/	Proposed new yard shed for general storage (this application falls within the parish of Angmering)	ApproveConditionally 21-07-2011
A/119/11/	Application for removal of condition 1 following grant of planning permission A/42/10/ relating to time limit for permitted change of use	Approve 22-09-2011
A/162/11/	Variation of Condition 9 imposed under A/14/05/ to allow for business use, classes B1 and B8, to all units and additional Sui Generis use for commercial ground care equipment to Unit 33.	ApproveConditionally 30-03-2012

A/5/13/

Extension to existing industrial building

ApproveConditionally

28-02-2013

REPRESENTATIONS

Representations received:

Angmering Parish Council

Poling Parish Meeting

POLING PARISH MEETING - OBJECT

This is a departure from the current local plan and is therefore not in line with the strategic needs of the Council and wider district. For this reason alone we believe that the application should be rejected. Notwithstanding this, the proposal does not meet the needs of the local community, is out of scale, out of keeping and is considered to adversely affect the historic context of the village together with the amenity and wellbeing of the community. The growth of Industrial facilities like this, in an area of open countryside adjacent to the South Downs National Park, is inappropriate and out of place.

As custodians of a unique community, history and landscape, feel that we must voice our objection to any proposal to develop this greenfield site. The Planning Committee have the power to stop the industrialisation of our countryside, so we implore them to seriously consider the longer term impacts of this proposal on future generations.

- Archaeology and the Built Heritage

The character and setting of the whole village of Poling with its old and interesting buildings will be massively affected by looking out onto a development of the scale, height and mass of the building proposed by Fargo. The design and materials will be of the usual kind for commercial and industrial buildings and have no place in the countryside.

The setting [of listed buildings] will be forever changed if the current proposal goes ahead. It is for this reason that attempts are planned to mitigate the damage. These can never be really successful, given the size, height and type of construction envisaged.

A number of listed buildings are in the direct line of sight of the proposed development, the settings of which will be affected by changing their view from countryside to a massive commercial building.

- Noise

Poling is on the coastal plain, and is essentially flat, with the part of the village furthest from the main road being slightly lower-lying. As a result, there is very little to stop sound from carrying a very long way. This means that even those who do not live within direct sight, or even very close to the proposed development, or who are wholly or partly screened by trees, would still be much affected by noise of large vehicles on the site, and very particularly by the sound of reversing with its attendant hazard beeping noise.

- Over Intensification of the site

This application although to a lesser extent is still an over intensification. With 11,737 square metres of floor space excluding all other infrastructure such as roads, ditch, ponds and screening means that over 25% of once open agricultural land will be developed. Which

situation so close to the National Park and in such an open coastal plain is simply unacceptable. This application is merely another step closer to industrialising this rural strategic gap, opposite the Nation's newest National Park.

- Proximity

The proposed new buildings appear too close to the boundary on the south side. We consider that insufficient space has been left to allow for the growth of the screen of trees noted on the drawings. We also believe that some of the screening shown in the application is on land not owned by the applicant.

- Visual Impact

By day the visual effect of the proposed new industrial style building would be an unacceptable intrusion to the enjoyment of the landscape and amenity of the community. The scale and appearance of the proposed buildings would have a significant impact on the environment. The sense of place and character of this rural community, together with the impact on the National Park on the other side of the A27 to the north, is totally unacceptable to us.

The proposed new building would be seen from many publically accessible sites and indeed from many homes. The building profile above the screen of trees will be an incongruous disruption to the view of the heavily wooded National Park. The visual amenity of the village will be disrupted and lost

By night the effects of the development will be worse. Whilst we acknowledge that measures will be taken to try and minimise light pollution there should, in this location, be zero tolerance to illumination of the night sky. Many residents enjoy a relatively unpolluted night sky so any further erosion of this is intolerable. A total ban on light spillage and illumination of the night sky should be imposed.

- Environment

Whilst we appreciate that safeguarding of the environment is a matter for the Environment Agency, can we recommend that if approval is granted, it be conditioned that no additional surface water drainage should be shed from this site than would have done so if this were a greenfield site. We would also recommend that a sustainable urban drainage system (SUDs) be a condition of any approval.

We are aware that Great Crested Newts, Water Voles and Stag Beetles have all been observed in the area so we seek your assurance that they will be suitably investigated and considered when determining this application.

- Traffic

We are aware of the Highway Authority's comments, and the lack of a detailed Traffic Assessment, so undertook a survey of our own. Based upon a week day survey of a 12 hour period between 6am and 6pm we counted 265 vehicles moving in and out of the access road amounting to 130 cars, 92 vans, 20 lorries and 11 cycles. This does not include the vehicle movements for the extant permission for the In-Vessel Composter Plant, and the estimated 144 from this submission would make it in excess of 500 per day which we consider too excessive for the junction as laid out. We believe for the safety of all users that considerable

analysis and remodelling of this junction is needed to make it even moderately safe.

- Assessment of Alternative Sites

As would be expected, we do not agree with the Assessment of Alternative Sites prepared for this application. We disagree with the general premise and much of the data and interpretation associated with it. Clearly this is a game of two sides, one for and one against. When you consider the game 'for' the driving force is financial, and paying the lowest price for the nearest plot of land to relocate the current Toddington facility. For us, those 'against' it, is about maintaining and protecting a valuable piece of rural Sussex, the special downland coastal plain and a community's wellbeing. We have no financial card to play, just protecting something precious from irreparable development.

Although the recommendations are clear, the methodology and detail within the document would lead me to cynically believe that the outcome came first, and the detail has been drafted to suit. We do not believe that this document should be relied upon as a piece of material evidence.

ANGMERING PARISH COUNCIL - OBJECT

Due to highway safety, access, impact on surrounding countryside, noise, smell, loss of agricultural land and possible flooding.

Highway congestion, as the site is located close to the major A27 road, which has long-experienced bottlenecks and congestion both to the west (due to the lack of a bypass or underpass at Arundel) and to the east (near Worthing). The scale of additional HGV and other traffic necessitated by the Fargro proposal is likely to be substantial and frequent and should not be considered without parallel commitment to:

- a) Relieve the A27 bottlenecks both to the west and east; and
- b) Address the considerable highway safety risks posed by frequent HGV and other vehicular traffic emerging from the site to join the westbound carriageway of the A27.

Without such parallel commitment, it is highly likely that non-Fargro traffic using the A27 will divert in significant numbers either to use the A280/A259 route - which is single carriageway for two sections to the south of Angmering - or to use the minor roads passing through Angmering village as a cut through, thereby causing unacceptable traffic congestion problems and related safety risks to virtually the whole of Angmering.

LYMINSTER AND CROSSBUSH PARISH COUNCIL- OBJECT

Object to a warehouse being built on farmland close to an area which has suffered recent flooding.

The increase in traffic resulting from the distribution unit at the proposed Fargro site would contribute and exacerbate the gridlock which frequently occurs on the A27 road close to the site. Until A27 improvements take place at Worthing, Arundel and Chichester the Fargro proposal should not be considered.

37 LETTERS OF OBJECTION

Highways

- Risk to driver safety as a result of additional traffic

- Gap at Poling street allowing traffic to turn right is not acceptable
- Increased congestion at Crossbush
- Slow moving heavy lorries and commercial traffic will cause danger to the main flow of the A27.
- Revised access layout shows the removal of a large part of the footpath and cycle path with no reinstatement or relocation, leaving pedestrians and cyclists vulnerable to the traffic entering and exiting the site.
- There is no public transport along this stretch of the A27
- The proposed run on [acceleration lane] cannot be achieved without the purchase and destruction of Yarmer Cottage's garden.
- During a recent Poling residents survey of the site no articulated vehicle movements were observed going to and from the existing Vinery site. The proposed development introduction of articulated lorries would materially change the character of the vehicles using the junction.
- Increased lorries will have a detrimental impact on the entrance to Poling Village at Poling street.
- Lorries leaving the site to go east would have to turn across the carriageway just to the east of the Poling Village.
- The application effects a right of way, the applicants should make an application to WSCC for a variation order to enable public comment.
- Traffic is no longer just a rush hour issue - there are queues most days due to so many works being carried out around Arundel and Littlehampton.
- Fargo cannot guarantee that lorries would not use the mid section junction at the top of Poling street to save time.

Environment

- Loss of flora and natural habitat for wildlife.
- Existence of endangered species including stag beetles, barn owls and great crested newts are found in close proximity to the site. Large development will have a serious effect on these species.
- The fields below the proposed development regularly flood and further hardstanding will inevitably increase the amount of flooding.
- Larger area required for the SuDS tanks

Landscape and Visual Impact

- Site is part of the upper coastal plain. The County Council's Landscape Character Assessment identifies the site as having " a mostly undeveloped, rural character"
- Loss of views from homes and from the adjacent public path.
- The existing trees shown on this plan at the western boundary of the Vinery site state they are to be retained. These trees are on land owned by Manor Farm, Poling, therefore the retention is not within the control of this application.
- The main screening to the west of the site, does not exist at present and does not fall within the proposed application. Therefore it should not be considered as part of the application as they will have no control to deliver the screening.
- Existing Vineries development is well screened and would be detrimental to allow further development outside of these boundaries.
- Proposal would adversely affect the country views of homes and walkers alike on the local footpaths in and around Poling.

Amenity (Views, Light, Noise etc)

- Light pollution would be intolerable along with the increase in noise from the number of expected vehicles including articulate lorries
- There will be no barrier for sound travelling over the open flat landscape.
- Hours of use will be extended beyond that proposed for the adjacent composter unit.
- Hours of use says vehicles will be dispatched from the site at 06.00 am it does not give an indication of when lorry driver will arrive.
- Lighting will have a negative effect on migratory birds, bats and moths.
- Will have visual impact on the South Downs National Park.

Assessment of Alternative Sites and Policy DEV8

- Appraisal does not look at other sites outside of Arun. The company's distribution covers a large area of southeast England and they have taken a very simplistic attitude by not looking further afield. There is no consideration given to relocation to a more central location and relocating their valuable staff.
- Current oversupply of industrial sites in the Arun District and it is not necessary to build on greenfield sites when brownfield sites are available.
- Arun Local Plan is expired and the old policies have far less weight.
- Dev8 (i) site search cannot be accepted at face value
- Dev8 (ii)a applies to all new development
- Dev8 (ii)b application is not well served by public transport or is readily accessible that by car
- Dev8 (ii)c this is a given
- Dev8 (ii)d application fails to relate sympathetically as evidenced by the need for mitigation
- Dev8 (ii)f application does not display a satisfactory relationship as adjacent business owners are not likely to be bothered by this proposal. Residential units on Lillian Terrace are prejudiced by the same issues affecting Poling village itself.

Other Comments

- Existing Vineries development is large enough and should not spill out of its current boundary.
- Size of the proposed building would result in the site being grossly over developed.
- Existing site is not fully developed.
- Poling village not half a mile away as some properties are circa 350metres away.
- ADC objected to a West Sussex planning application in January 2007 to build an in-vessel composting unit with administration building on land within the perimeter of the Vinery site. The objections were on the grounds of the height and design of the building, traffic movements, loss of trees, lack of migration scheme, drainage problems, hours of use, no landscaping provision and possible light pollution. The Fargo application is of comparable size and the issues remain.
- Proposed development will be out of keeping with the historic setting of Poling.
- Should move to a more inland area to be closer to their customer base
- Possible pollution from Fargo affecting farm crops, humans and animals.
- Local economy is very important but it is not appropriate here.
- Will lead to other applications to the east, west and further south of this site.
- Letters of support are comments from either staff or customers of Fargo who have no interest in the local area and their comments should be discounted.
- Strong need to preserve rural gems of countryside is needed when so much development is going on.
- Contrary to all West Sussex and Arun District plans to build on the countryside. The fact that the Arun Local Plan has lapsed is not an excuse to abandon all the principles on which it

was based.

- Number of Listed buildings in Poling and Arun Local Plan Policy BH11 states that the settings of listed buildings should not be affected by development.
- Buildings are huge rising to 9 metres and the fact that the application is sprinkled with schemes to mitigate the adverse visual effect; noise; light pollution is clear evidence that the development is inappropriate for the location.
- Essential for the committee to visit the site prior to consideration of the application.

71 LETTERS OF SUPPORT/NO OBJECTION

General Comments

- Application is part of the scheme to build more houses in the Littlehampton area and it will mean that the present employees will have no further to travel to their place of work

Site Search

- The directors have taken many months researching various locations to find a suitable site to secure the success of Fargros future growth and development and I trust and support their decision.

Employment and Economic Benefits

- It is good to see the retention of the local workforce in tough economic climate
- Fargro is a successful local business employing 57 staff almost 50 of them locally from the Arun District.
- Exhaustive site search has identified the Vinery as the only viable site which allows us to retain its existing staff and keep employment within Arun, supporting 50 local families.
- Fargro is an important supplier to the local horticultural industry which supports 1,300 full time jobs and thousands of part-time employees.
- Fargro is an integral part of the horticulture industry in West Sussex and should be allowed to have a seamless transition to a new site so that it can retain key staff and technical department.
- Important company in the Arun and Chichester areas providing essential products and services to the horticulture industry.
- The new site has been planned to give a sustainable future for the company and its staff.
- Important that Fargro is allowed to expand. A number of competitors have closed having Fargro in close proximity is essential for the success of our business.
- The company has grown significantly over recent years and permission is needed to maintain its momentum and ensure this dynamic business remains in the area.

Traffic and Highways

- Proposal provides a good use of the buildings in the area and with close access to the A27 it is able to distribute its produce quickly and efficiently without disturbing the smaller road network.
- Ideal site being on the main trunk road through the district and enable Fargro to remove its vehicle movements from the Toddington and Lyminster roads reducing commercial vehicle movements on local roads.
- Upgrading of the Vinery junction will improve the junction for residents and tenants, and the

improved on-site traffic management will remove commercial traffic from travelling directly in front of the residential properties.

- The plan incorporates an upgrade to the present footpath and is sorely needed.

Landscaping

- Development will enhance the site with planting and other measures to encourage wildlife, far beyond what is currently available on the site.
- Planting will provide an effective screen to the site improving the views from the south and west which are currently of a non-native conifer hedge and conspicuous blue buildings, all will be screened by planting.
- Building will be lower than the conifer hedge and not visible from the north and below the skyline when viewed from the south.
- Suitable planting will shield new buildings from the more sensitive residents of Poling village.

Other

- Respected and long standing horticultural company who work well with their local community. I am sure they will improve and enhance the environment around the Poling site.
- Fargo required to relocate to facilitate the Hampton Park development approved by the Council
- Fargo provide highly qualified staff who advise local growers and their loss would be a loss to the area and local industry.
- Very important to relocate within the local area to keep staff's journey to work time the same

West Sussex Growers Association- Support

Annual output from the Horticultural Industry in West Sussex is valued at over £500m at retail level and the industry employs more than 6,000 people locally.

Fargo is an integral part of the West Sussex Horticultural Industry, supplying requisites and provisions for the growers in the area.

The planned new location for the Fargo depot at Poling is ideal, giving easy access to the A27 and onward to local growers.

Comments on Representations received:

The various letters and representations have been noted and have informed the officer's consideration of the application.

The vast majority of the issues raised are material planning considerations and are covered in detail in the "Conclusions" section of this report.

CONSULTATIONS

Highways Agency
Southern Water Planning
Environment Agency
Natural England
Sussex Police-Community Safety
South Downs National Park

Parks and Landscapes
Council's Arboriculturist
Environmental Health
Engineering Services Manager
Engineers (Fluvial Flooding)
Economic Regeneration
Head of Planning Policy & Cons
WSCC Strategic Planning
Conservation Officer

Consultations responses received:

SOUTH DOWNS NATIONAL PARK AUTHORITY - no objection

- The woodland along the lower slopes/upper coastal plain on the north side of A27 provides a significant buffer to the A27 and the application site and , as such, the SDNPA has not comment to make in this instance.

NATURAL ENGLAND- no objection

- Statutory Nature Conservation Site- no objection.

The proposal is unlikely to affect any statutorily protected sites or landscapes.

- Protected Landscapes- no comments.

The application falls within, or is within the setting of, the South Downs National Park. Natural England has no comments to make on this proposal as we do not believe that this development is likely to adversely affect the purpose of the South Downs National Park.

Given the location of the development, your authority should seek the view of the South Downs National Park prior to determining this application as they may have more detailed comments to make on the location, nature or design of this development.

- Protected Species- Great Crested Newts

Natural England does not object to the proposed development. On the basis of the information available to us, our advice is that the proposed development is likely to affect great crested newts through disturbance of a European protected species and the damage or destruction of a breeding site or resting place. We are satisfied however that the proposed mitigation is broadly in accordance with the requirements of the great crested newt mitigation guidelines and should maintain the population identified in the survey report.

The applicant will be required to apply for a licence from Natural England to carry out translocation of the resident great crested newt population.

- Landscape Enhancements

The application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design,

form and location, to the character and functions of the landscape and avoids unacceptable impacts.

HIGHWAYS AGENCY- 1st Response (17th July 2013)

- concerned with the operation of the A27, in particular the A27/A284 (Crossbush) and A27/A280 junctions. These junctions, and others on the A27 within Arun are known to experience capacity issues
- whilst the overall trip information is supplied, this is not broken down into the AM and PM peak periods. Given that the location off the A27 is close to busy major intersections to the east and west, we may require assessment of the impacts of extra traffic at these junctions.
- Understanding the traffic generation of the proposals for the AM and PM peak hour periods is a key requirement of the GTA.
- require that trip distribution diagrams are prepared to illustrate the impact of the proposals on the SRN, including the A27 Crossbush roundabout
- trip generation of the existing Fargro site may not be identical to the new premises at the Vinery given the changes in location, GFA and the inclusion of more office space.
- Peak hour surveys of the existing facility would be more robust to determine the current site's trip generation
- The Transport Statement contains information on the revised access proposals which we examined as part of our initial consultation response to Arun. The proposal to improve the junction is broadly acceptable in its compliance with highway standards, and formal process for progressing the design must be gone through.
- A detailed technical note which examined the proposals against the Design Manual for Roads and Bridges (DMRB) standards raised no issues.

WEST SUSSEX COUNTY COUNCIL HIGHWAYS- 1st response (5/07/2013)

Highways Agency have expressed concern over known congestion issues at the A27/A284 junction and A27/A280 junctions. It would be appropriate for the Highways Agency to comment on any capacity impact on junctions along the A27; the Local Highways Authority would request to be re-consulted once additional information has been submitted by the Applicant as required by the Highways Agency

While it is likely that a majority of the impact will occur on the Strategic Route Network, capacity would be required for any junctions within the local network should they experience an increase of 30 or more movements in any hour as a result of the development.

WEST SUSSEX COUNTY COUNCIL HIGHWAYS SECOND RESPONSE (23/9/2013)

- West Sussex County Council (WSCC), in its capacity as the Local Highway Authority, has been consulted on the proposed development of distribution warehousing with access taken from the A27. No objection is raised to the proposed development subject to a Travel Plan condition.
- Modal choice for access to the site is limited; it is located outside of a reasonable walking distance to concentrated residential areas and public transport provision is restricted.
- Cycling may be possible for residences within 5km of the site.

- Proposal will require 41 staff to operate the site so the scope and impact of modal shift is limited
- The site would be expected to generate HGV and LGV trips; existing FARGRO data indicates that this could be up to 34 movements plus any movements associated with the trade counter.
- The location of the site alongside the primary road network supports the West Sussex Transport Plan 2011-2016 (LTP3) objective of ensuring that commercial development is accessible via suitable routes, thus minimising the impact on the local road network.

WEST SUSSEX COUNTY COUNCIL ECOLOGY- no objection

The surveys and proposed mitigation is in accordance with national policy and best practice. Would not recommend the imposition of the proposed great crested newt condition suggested by Natural England as this condition would prejudice the European Protected Species License (EPSL) Application. There is enough great crested newt information to allow the LPA to make a suitable determination and the proposed "detailed" mitigation and monitoring will be required to support the EPSL application.

The County's Ecological Officer recommends suitable condition for the protection of breeding birds and for the detailed landscaping planting scheme.

WEST SUSSEX COUNTY COUNCIL ARCHAEOLOGY- no objection

No objection subject to programme of archaeological recording (strip, map and sample) in advance of construction.

Following permission, it is recommended that provision be made by means of a planning condition for a programme of archaeological investigation and recording, to take place following removal/ clearance of any existing structures or hand standing and before the commencement of construction. This is in order that any below ground heritage assets (archaeological features) may be appropriately sampled, investigated and recorded and the findings incorporated into a written report.

In the fullness of time the report will become publicly accessible through the West Sussex Historic Environment Records and the archive deposited in a suitable local museum or repository.

SUSSEX POLICE- no objection

- Pleased that perimeter security fence is proposed.
- Installing access control throughout the facility should be considered
Lighting within the development around the car park and entrances will be an important consideration and any lighting should be commensurate with CCTV system.
Recommend fitting of a monitored intruder alarm.

ENVIRONMENT AGENCY- no objection

EA response suggests four conditions to require site investigation for potential contamination prior to commencement; contamination report should any be found; contamination remediation

strategy; and a scheme for the disposal of foul drainage.

Two informatives are recommended surrounding the proposed package treatment plant and storage of agricultural chemicals on site.

SOUTHERN WATER - no objection

The applicants propose a private wastewater treatments drainage which disposes of effluent to sub-soil irrigation. The owner of the works will need to empty and maintain the works to ensure its long-term effectiveness.

Applicant will need to ensure arrangements exist for the long-term maintenance of the SuDS facility.

ARUN DISTRICT COUNCIL CONSERVATION OFFICER - no objection

The proposed structure is located, and screened, in such a position so as to not detrimentally impact on an nearby heritage assets; listed buildings or conservation areas.

However, it is considered necessary that a suitable method for further screening the development be provided. This should be in the form of native species, details of which should be approved by the Council's Parks and Green Spaces Department.

ARUN DISTRICT COUNCIL ENGINEERING DEPARTMENT

- SuDS system must be investigated for surface water disposal, and soakage structures must be fully investigated before considering a discharge to existing watercourses.

- Infiltration rates for soakage structures are to be based on percolation tests undertaken in winter period.

- The percolation tests and design must carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change.

- Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design.

- Existing watercourses cross and abut the development site. Agreement/consent will be required for any culverting of existing ditches. The condition of the existing ditches will also need to be accessed in order to determine if maintenance/improvements are required.

ARUN DISTRICT COUNCIL ENVIRONMENTAL HEALTH DEPARTMENT

- Phase 1 contamination assessment report did not detail any significant sources of contamination please apply condition for unsuspected contaminants.

- No objection to the proposal on noise grounds. If the proposal is likely to introduce an extra 15

HGV movements per day an assessment of the impact of the development on local air quality should be required.

ARUN DISTRICT COUNCIL ECONOMIC REGENERATION DEPARTMENT

From an economic development point of view we would be supportive of this application. Fargo is a long established local firm that provides valuable employment for local people. We are pleased that what appears to be a suitable and sustainable site has been found that safeguards both this employment and the additional benefits that companies of this size bring to the local economy.

Comments on Consultation responses:

The various consultation responses which mention the need for conditions have been noted.

No objection has been raised from the various consultees on technical grounds. While Natural England's comments regarding the requirement for a European Protected Species License are noted but it is considered that this is a separate regulatory process and should be considered separately to planning.

POLICY CONTEXT

Designations applicable to site:

- A class road (National Route Network)
- Outside the Built-up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	AREA2	Conservation Areas
	DEV15	Safeguarding the Main Road Network
	DEV8	Circumstances in which Additional Development may be Permitted
	GEN11	Inland Flooding
	GEN12	Parking in New Development
	GEN2	Built-up Area Boundary
	GEN32	Noise Pollution
	GEN33	Light Pollution
	GEN34	Air Pollution
	GEN7	The Form of New Development

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity and impact on the landscape.

The Development Plan consists of the Arun District Local Plan 2003.

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 would conflict with relevant Development Plan policies in that it would be sited on outside of the defined built-up area boundary. However there are material considerations that that outweigh this conflict such as the need to promote economic growth and to retain employment in the District; therefore a presumption in favour of development applies.

OTHER MATERIAL CONSIDERATIONS

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

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council has recently published the Draft Arun Local Plan and is therefore a material consideration in the determination of this planning application. It remains subject to publication of a pre-submission Plan, formal public consultation, resolution of objections, examination and the formal adoption process as a whole, and it is therefore of very limited weight in terms of the decision making process at this stage.

CONCLUSIONS

EXECUTIVE SUMMARY

This application seeks full permission for a B8 warehouse and office building of 6,400m², and covered storage of 5,337 m² along with associated roadways and parking, together with a new access layout from the A27.

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 planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

The site is outside the built up area and as such the proposal is contrary to the development plan. However, Arun District Local Plan Policy DEV8 allows development in the countryside in exceptional circumstances. The applicants have carried out an assessment of all commercial sites available within the District and have not been able to identify a suitable or available site to relocate.

It is noted that there are negative aspects of the application, in particular the proposal would result in some harm to the undeveloped nature of the landscape and the character and beauty of the countryside and would result in the loss of some "best and most versatile" Grade 1 agricultural land. However, this must be weighed against the very significant benefits of providing employment space for an existing local employer and significant benefits in terms of economic benefits of the proposal including retaining a long-standing employer which plays a significant role in the District horticultural industry.

Having regard to the above matters it is not considered that the adverse impacts of the development significantly and demonstrably outweigh the benefits of the proposal. In these circumstances the NPPF is clear that permission should be granted.

Assessment- Identification of key issues for consideration

- I) the Principle of Development - having regard to the National Planning Policy Framework, Local Plan and Local Firms Policy
- II) Economic Benefits of the Proposal
- III) Design, Layout and Landscape Impact
- IV) Highways, Transport and Parking Considerations
- V) Residential amenity
- VI) Drainage and flood risk
- VII) Ecology
- VIII) Archaeology and Historic Environment
- IX) Sustainability

In addition to the above, there are other issues that also need to be considered that include impact on the South Downs National Park, and sustainability of the site. This list is not exhaustive and each issue will be addressed in turn below.

- I) The PRINCIPLE OF DEVELOPMENT - having regard to Development Plan policy, Arun District Local Plan 2003, and Local Firms Policy

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. Using this as the starting point the development plan in Arun consists of the Arun Local Plan 2003.

The Draft Local Plan 2013-2028 has been subject to early Regulation 18 public consultation between July and September 2012. Whilst the emerging plan has limited weight at this early stage in plan preparation it does set out the Council's thoughts with the emphasis on meeting the needs for housing and employment growth.

In the event of conflicts between policies in these plans or with Government policy, it is the most recent policy which takes precedence. With this in mind the National Planning Policy Framework (NPPF), which was issued in March of 2012, is materially relevant.

The National Planning Policy Framework (NPPF) has at its heart a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. Within para 14, it states that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the framework as a whole.

Para 19 of the NPPF states: "The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system."

Paragraph 17 of the National Planning Policy Framework identifies a number of "Core Planning Principles" which should underpin decision-taking. A number of these principles are especially prescient in the consideration of this application.

The development needs (both commercial and residential) of the District should be taken into account: "Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area..."

The protection of the countryside is also identified as a core land-use planning principle. Decision takers are required to "take account of the different roles and character of different areas... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities".

Para 187 of NPPF states that local planning authorities should look for solutions rather than problems and should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of an area. The NPPF places a presumption in favour of the proposals.

Countryside Policies- Adopted Arun Local Plan 2003

Policies GEN2 and GEN3

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, as the proposed warehouse is not required in association with an identified need for an agricultural or forestry purpose. 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. The Framework states that policies not adopted since 2004 should be given due weight according to their degree of consistency with the Framework. 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.

The employment allocations within the Arun Local Plan 2003 are out-of-date because they do not provide for employment land requirements beyond 2011. Whilst the District Council is preparing a Draft Arun District Local Plan 2013-2028, this has yet to be submitted to the Planning Inspectorate

for examination, and its proposed employment land allocations have not yet been tested.

In light of all the above, simply because the site is within the countryside and the proposal is contrary to policies GEN2 and GEN3 of the Local Plan 2003, this is not in itself considered to be a sufficient reason to resist the application.

It is important to appreciate that Policies GEN2 and GEN3 are not landscape designations. The policies do not aim to protect this area of land for its scenic beauty or intrinsic quality of the landscape.

Policy DEV8- Circumstances in which Additional Development may be Permitted- Local Firms

It is noted that the application falls to be determined under Arun Local Plan Policy DEV8 which allows development outside the built up area boundary for Local Firms in exceptional circumstances. Policy DEV8 is central to establishing the principle of this development will be a significant policy consideration. The policy is also repeated in the Draft Local Plan 2013.

Members need to consider the weight that should be given to this policy in line with the requirements of Paragraph 215 of the NPPF which states that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

It is clear that significant emphasis is placed on Economic Development within the NPPF (see paragraph 17 bullet 3).

Furthermore, paragraph 17 "Core Planning Principles" requires Local Planning Authorities to "Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area..."

To this end the District Council have published the Economic and Employment Land Assessment 2010. Furthermore, as part of the Draft Local Plan they have identified two sites for employment land allocations at Angmering and Bognor Regis.

The application is assessed against the criteria below. POLICY DEV8 states:

"Planning permission may be granted to local firms, currently located within the District, proposing development on sites outside the built-up area, provided that the applicant can demonstrate:-

(i) That no acceptable alternative can be identified within existing permitted or allocated floorspace or within or through redevelopment of existing commercial premises; and

(ii) That the proposal:

(a) exhibits a high standard of design and layout;

(b) is capable of being well served by public transport or otherwise is readily accessible other than by private car to a significant residential workforce if employment intensive uses are proposed;

(c) provides access arrangements and parking facilities in accordance with the Council's adopted standards;

- (d) relates sympathetically to the surrounding built or natural environment;
- (e) includes suitable landscaping and floorscaping provision where appropriate;
- (f) displays a satisfactory relationship with neighbouring uses in order that the amenities of nearby residents in particular are protected; and
- (g) incorporates, where appropriate, crime prevention measures."

In order to demonstrate compliance with criteria (i) the applicants have submitted a detailed site search document titled "Assessment of Alternative Sites" that details a number of different sites in the District that could be suitable of accommodating the scheme. The applicants have assessed a number of sites throughout the District, including sites identified in the Draft Local Plan and a number of other sites at Hunterford Business Park, an existing area of land to the west of the Vinery, and a number of existing horticultural sites in the Walberton area. The various sites have been graded to identify the most suitable site in the search area that meets the applicant's requirements for a suitable premises.

The proposal site received the second highest score, however the only more suitable site (Oldlands Farm, Bognor Regis) is identified as being unavailable in the required timescale and will require significant investment in infrastructure that render it unviable for the applicant.

A number of the objection letter criticises the Assessment of Alternative Sites for a lack of objectivity and that it shows a bias towards the application site. However, it is considered that the site presents a comprehensive assessment of alternative sites in the District, and assesses each site consistently based on suitable criteria. On this basis, it is considered that the Assessment presents sufficient evidence to satisfy the requirement of Policy DEV8 part i.

(ii) It is considered that the proposed scheme adequately meets the Part (ii) criteria a, c, e, d, f, and g.

The proposal is not considered to meet with Part (ii) (b) in that the site is not well served by public transport for a relatively intensive employment use. The applicants have submitted a Travel Plan with the applicants which proposes a range of measures to encourage sustainable travel, and minimise the number of daily trips. The County Council, who have suggested securing its implementation with some amendments by condition, has approved this in draft form.

However, the proposed development does not meet criteria (d) in that the proposal does not relate sympathetically to the surrounding built and natural environment. The proposal is within an easily identifiable rural area, with open fields to the east, south and west of the site. While the site relates well to the commercial use to the north of the site, the surrounding flat field pattern ensures the development will be visible from the surrounding rural area. The proposed development relates poorly to the surrounding environment, as it would introduce large-scale visible built development.

However, in acknowledgment of this, the applicants have submitted a detailed landscaping and planting plan to mitigate the impact on the surrounding landscape and to ensure that the development successfully integrates with the character of the surrounding natural environment in the long term. A detailed consideration of this is included in the Design, Layout and Landscape/Visual Impact section below.

It is therefore concluded that the proposed development is compliant with most of the requirements of Policy DEV8. However, it fails to comply with part (ii) b and d in that the proposal is not capable of being served by public transport does not relate sympathetically to the rural surroundings.

(II) ECONOMIC BENEFITS OF THE PROPOSAL

The NPPF sets out the three dimensions to sustainable development, such that the planning system needs to perform an economic role, a social role and an environmental role. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.

Section 3 of the NPPF is aimed at supporting a prosperous and rural economy. Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas.

The applicant's Planning, Design and Access Statement sets out the importance of Fargo in the local horticultural economy:

"Fargo is the most significant supplier to the horticultural industry throughout the south of England, with an estimated 40-50% market share."

Fargo also provides the local horticultural industry with technical support as well as products.

A very large number of the representations received highlighted the importance of maintaining local jobs and employment and pointed out the role played by Fargo within the wider horticultural industry in Arun. A common comment was that "Fargo provide an invaluable service to the horticultural industry in the county and this local move to a new location will allow the organisation to maintain its experienced and highly valued staff". A number of letters felt that the proposals would create job opportunities and be of benefit to the District. In addition, the construction phase of the scheme would ultimately provide further job opportunities. These factors weigh in favour of the application.

The District Council's Economic Development and Regeneration have made the following consultation response:

From an economic development point of view, we would be supportive of this application. Fargo is a long established local firm that provides valuable employment for local people. We are pleased that what appears to be a suitable and sustainable site has been found that safeguards both this employment and the additional benefits that companies of this size bring to the local economy.

The extent of the economic benefits of the proposal to the locality and wider area is crucial in assessing whether there are compelling circumstances for this development to justify

development in an area outside the built up area boundary.

In this instance, given that no suitable alternative sites have been identified, your officers consider that the economic benefits of the scheme carry very significant weight. Granting permission will ensure the long-term protection of existing local jobs, and will ensure that Fargo continues to contribute successfully to the horticultural industry in Arun.

(III) LANDSCAPE/VISUAL IMPACT, BUILDING DESIGN, and LAYOUT

- Landscape/Visual Impact

The proposed development would introduce new buildings, car parking, and lighting into an area of countryside that is currently undeveloped. As a result, it would inevitably have a significant impact particularly on local views.

In terms of the wider landscape impact a Landscape Character Assessment has been carried out by Consultants on behalf of the Council in connection with the Draft Local Plan.

The Arun Landscape Study (2006) considers the local landscape. The application site forms part of the Lyminster-Angmering Coastal Plain. The study identified the area as having a key structural landscape quality in the separation of Poling from Lyminster, Littlehampton and Angmering.

Landscape Capacity is assessed on two criteria: Landscape Sensitivity and Landscape Value. The Lyminster-Angmering Coastal Plain is graded "substantial" for landscape sensitivity; and "substantial" in Landscape Value. It is therefore given an overall Landscape Capacity of negligible/low. This rating for landscape capacity indicates that development would have a significant or detrimental effect on the character of the landscape as a whole.

The applicants have submitted a Landscape and Visual Impact Assessment that identifies that the existing views of the site are significantly affected by the backdrop of the leylandii hedgerow and existing Vinery development. The assessment states that tree planting and the recessive green cladding the development proposes to use can effectively screen the effects of the development when viewed from the surrounding landscape.

The Council's Trees and Landscapes Manager considered the proposal and identified in his initial response that the proposed landscaping was inadequate to present sufficient landscape screening, and suggested that further landscape screening measures should be taken. The Arboricultural also identified some issues regarding the protection of existing mature trees along the southern boundary.

As a result, the applicants have revised the layout of the scheme to include more landscaping along the southern and western boundaries. The applicants have submitted planting plan with growth rate drawings that show the screening on completion of construction, year 5, and year 10. It is clear from these drawings that the proposed development will be visible in the landscape from the date of construction, but in the long term will be adequately screened and will integrate successfully into the surrounding landscape.

The Trees and Landscape Manager has assessed these drawings and is satisfied that the proposed solution will offer suitable landscape mitigation in the long term.

The South Downs National Park was consulted on this application and responded that the woodland to the north side of the A27 provides a significant buffer, and as such, they have no comment to make in this instance.

The site will be visible from the curtilages of a number of residences along Poling Street including residences "Fairplace" (approximately 350 metres from the site boundary), "Priory Cottage" (350m), "Rowandene" (435m) and the grade II listed "Peckhams" (circa 615m). The impact of the proposal on the view and outlook of these residences has been commented upon in representation letters. It is appreciated that the development will be visible from these residences, however, it will be seen in the context of the existing Vinery estate, and will be part of wider landscape views given the separation distances between the residences and the proposed development. Having carried out a site visit in the company of a number of local residents, your officers do not consider that the impact on view and outlook will have a significantly deleterious effect on residential amenity of these properties and will not have an overbearing effect.

- Lighting

The applicants have submitted a Lighting Plan that sets out the type and parameters of the lighting that will be used. This specifies that the external lighting will avoid light spillage and pollution outside the site boundary by the selection of fittings with light being directed inwards and facing the proposed building. Further low-level lighting bollards are proposed in the car parking area while 6-metre column lights with downward facing fittings will typically illuminate approach and perimeter roads.

The adjacent Vinery Commercial Estate has some existing lighting on the various buildings; however, there is no significant backdrop of lighting on the existing properties or along the A27. While light spill can be controlled through shields and visors there will inevitably be a significant change in the character of the area through the introduction of such lighting.

The applicants have indicated that opening hours for the premises will operate from 06.00 to 18.00 on weekdays and 07.00 to 13.00 on Saturdays. It is considered that the impact of light intrusion can be mollified by attaching a condition that restricts the lighting to the same hours as the site is operational. This will ensure that other than security lighting that will be activated by movement, all lighting will be turned off outside working hours.

- Building Design and Layout

The main building will comprise of a traditional steel frame construction with a number of pitched gables. The building will measure approximately 112metres in width, and 60 metres deep with an eaves height of 7.5 metres and pitch height of 8.6 metres. The design aims to keep the overall building height to a minimum to maintain a low profile and to fit in with the existing backdrop of the Vinery. The main building will contain the main storage area, loading for HGVs, office space and trade counter.

The functional nature of the design creates a building that appears quite bulky especially when viewed from the south and west, as there are very few features to break up the elevation. Despite the large physical size, the building is not considered to be out of scale as the site is sufficiently large to accommodate the building with surrounding landscaping and tree planting. Furthermore,

as the low wide profile of the building will create a horizontal emphasis, the building should sit comfortably in the coastal plain's flat topography.

The northern and eastern facades, which face the site entrance, will host the office space and trade counter. These are identified by the use of different cladding materials and by the fenestration. The walls will be of black corrugated metal as opposed to be green for the rest of the building. The roof is of green metal sheeting with a number of skylights. The main entrance in the north-east corner of the building will have an entrance area with glass curtain walling. On the north side will be the trade sales counter. The main loading and unloading bays are located on the southern side furthest away from the properties on Lillian Terrace.

The applicants further propose to introduce green walls to break up the main elevations of the building. These will be grown on the north, east and western elevations using a lattice structure.

The proposed covered storage area on the eastern part of the site includes a lightweight steel structure approximately 5m in height with polythene roofing and sides. The material will be green to match the main building. The west side of the covered storage will remain partly open to allow for forklift access. Proposed planting will screen the north, east and southern elevations of this structure.

While the applicants could have been more adventurous in their design, it is considered to be of sufficient quality to be acceptable. It is considered that the proposed design relates sympathetically to the surrounding built and natural environment and will successfully integrate in the long term with its surroundings, while remaining inauspicious while landscaping matures.

It is therefore considered that scheme responds positively to the identified characteristics and resources of the site and respects and enhances local distinctiveness as required by Local Plan Policy GEN7 (ii). Furthermore, the proposed landscaping will help the development to relate sympathetically to the surrounding built and natural environment as required by Policy DEV8 (d).

IV) TRANSPORT AND HIGHWAYS

The existing Vinery site is accessed from the A27 at the eastern end of the site. The application proposes to improve this access to provide a longer diverge (deceleration) taper to the east and an improved road alignment for vehicles leaving the site.

Vehicles accessing the proposed development would travel through the existing Vinery site along a newly constructed roadway along the alignment of the existing road where they will access the proposal site via a newly constructed roadway that crosses the existing right of way running across the northern boundary of the site. Commercial and private vehicles will then be separated within the site.

Commercial vehicles will continue via a separate road to the rear for loading and unloading, while private vehicles will park in the designated parking area on the eastern side of the main building.

It is considered that the proposed access arrangements that include an improved diverge taper from the A27, and new link road for all traffic through the Vinery site, and separation of commercial and private motor vehicles within the site is appropriate and unlikely to lead to conflicts between pedestrians and commercial vehicles.

An existing statutory footpath runs along the northern boundary of the site and crosses the land diagonally to the west of the main building. The proposed access road to the site will cut across this path. West Sussex County Council's Rights of Way advisers have been consulted on this aspect of the scheme and have not raised an objection on the basis that the proposed layout will retain priority for pedestrians using the route.

Furthermore, the proposed route ensures that there are no extra vehicles passing directly in front of the 16 residential properties to the northeast of the site.

Following an initial consultation response requesting further information the applicants have prepared an updated Transport Statement that has been submitted to the Highways Agency. This statement has taken into account the existing levels of traffic using the junction, existing permissions on land to the west of the Vinery for a composting facility, and the traffic generated by the application proposal.

This Transport Statement has been submitted to the Highways Agency to evaluate impacts on the A27 (strategic highways network), and by West Sussex County Council for potential impacts on other junctions.

The Statement highlights that the proposed HGV movements originating from the proposed development are existing users of the trunk road network and therefore do not present an increase in movements through any junctions or routes which currently experience stress at peak times (Crossbush and through Worthing).

The applicants have provided information on the home locations of the existing employees of the site. The nature of the location of these inevitably means that there will be an increase in road traffic movements accessing the site via the A27 and various junctions. The Highways Agency have assessed this impact and have concluded that it is not likely to have a severe impact on the capacity of the trunk road network and is therefore considered to be acceptable.

West Sussex County Council has no objection to the proposal subject to a Travel Plan condition. The County Council note that the site would be expected to generate HGV and LGV trips; existing FARGRO data indicates that this could be up to 34 movements and any movements associated with the trade counter. The location of the site alongside the primary road network supports the West Sussex Transport Plan 2011-2016 (LTP3) objective of ensuring that commercial development is accessible via suitable routes, thus minimising the impact on the local road network.

A final consultation response to the proposal has not been received by from the Highways Agency. The additional information that was requested by the Highways Agency is technical in nature. The final consultation response is expected prior to the Committee Meeting and will be presented to members as an update report.

V) NOISE AND RESIDENTIAL AMENITY

Policy GEN32 of the Local Plan aims to protect the environment and residential amenity from noise, it requires appropriate noise attenuation measures to form part of proposals where significant levels of noise are generated. The applicants have undertaken a noise assessment in

order to assess the impact of the proposal on the nearest residential properties.

At present, the adjacent A27 to the north of the site generates significant background noise for sensitive noise receptors such as the houses to the north-east of the site. The Noise Assessment shows that the main noise generated by the proposal will be from vehicle movements and the loading and unloading of delivery lorries. The noise assessment identifies that this will be approximately 6dB below the background noise level. The District Council's Environmental Health Officer has commented that this is within acceptable limits and has not raised an objection.

The primary concern would be the effect of the proposal on the nearby residences at Lillian Terrace to the north-east of the site. The proposed layout of the site ensures that HGV traffic is channelled to the rear (southern) of the building. The loading area is approximately 200m from the nearest residential property and will be shielded by the bulk of the warehouse itself. It is therefore considered that the proposal will not have a detrimental impact on the residential amenity of these residents on Lillian Terrace.

The location of the loading bay on the southern elevation was identified by a number of objection letters as being a significant concern. The impact of the "beeping" from reversing vehicles is identified significant concern as the surrounding landscape is flat allowing noise to travel.

The proposed scheme is separated from the nearest property to the west by approximately 350 metres and a number of other properties located on Poling Street between 350 metres and 800 metres distant.

The applicants proposed significant trees and screening to shield the development on the southern, eastern and western boundaries which will help attenuate noise. Further, the storage and distribution warehouse would only operate during daytime hours. Conditions are included to preclude late night or early morning operations from taking place. It is therefore considered that the proposal would not result in perceptible changes in noise levels at properties nearby at the most noise sensitive hours and therefore no objection is raised based on possible impact of noise on residential amenity.

VI) DRAINAGE AND FLOOD RISK

Paragraph 103 of the National Planning Policy Framework states:

"When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems."

Policy GEN9 of the Local Plan seeks to ensure that sites on which new development is provided can be adequately drained and does not cause flood risk to existing properties.

The application site is in Flood Zone 1. That is land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding. Technical Guidance to the National Planning Policy Framework states that all uses of land are appropriate in these zones. However, for development in this zone of sites of over 1 hectare, such as the application site, a Flood Risk Assessment is required.

The applicant has submitted a Flood Risk Assessment with this application, confirming that no flooding has taken place in the area. This covered surface and foul water drainage. For foul water sewerage the applicants have proposed to connect to the mains sewer. Surface water drainage is proposed to be infiltration by means of a Sustainable Urban Drainage System.

The site is currently greenfield and is therefore fully permeable. The proposed surface water drainage strategy uses several permeable pavements to intercept rainfall from surrounding hard standing areas that will then transfer the run-off to ground.

The report concludes that even if allowance is made for global warming and increased rainfall that the proposed system will be capable of catering for increased precipitation.

The Environment Agency, Southern Water and Arun District Council's Engineers, have considered the application. No objection has been raised.

The Council's Drainage Engineer is satisfied with this information and has confirmed that the detailed management of the scheme can be managed through conditions. This would ensure compliance with the above policy and guidance.

VII) ECOLOGY AND HABITAT SURVEY

The development site is a grazed horse paddock with no trees or significant vegetation, and is not within or near any designated ecological sites. A Phase 1 ecological survey has been undertaken over the site by Ecology Consultants and is appended to this report. As a result of the phase 1 survey, it was recommended that further work was done in respect of reptiles on the site and during an extended survey to locate reptiles; a single specimen of great crested newt (GCN) was located near the footpath.

As a result of this discovery, a more extensive greater crested newt survey was required to be undertaken. This survey was undertaken during April and May 2013 and determined that a medium-size population of greater crested newts inhabited a pond adjacent to a residential property in Poling Street, some 400m from the site. In view of the distance of the breeding site from the development proposals, together with the extensive habitat creation proposed on the site as part of the landscaping and drainage proposals, it is not considered there is any risk to the great crested newt population of the area, providing a programme of trapping and relocation by the applicant occurs prior to any development which might affect GCN habitat. If planning permission is granted, a licence application for any works will need to be made to Natural England.

Natural England has commented on the application and has raised no objection subject to the proposed mitigation being put in place. The County Council have considered the proposed mitigation strategy and commented that the Council have sufficient information to determine the

application without requiring further information through a condition. Detailed mitigation and monitoring will be required to support a European Protected Species License and it is not necessary to duplicate this control through the planning system.

The fact that the proposed development involves the loss of some best and most versatile agricultural land would also seem not to be in accordance with an approach that makes prudent use of natural resources. However, it was accepted that such a loss would not represent a significant loss in the wider context of the District.

VIII) ARCHAEOLOGY

The Archaeological Desk-Based Assessment has identified the potential for some archaeological remains on the site although the conclusion is that historic activity on the site is likely to have been low to moderate.

West Sussex County Council is satisfied and has no objection subject to the implementation of a programme of archaeological works in accordance with a written Archaeological Mitigation Strategy prior to commencement of construction.

CONCLUSIONS

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 planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Officers have carefully considered the various economic, social and environmental impacts and benefits associated with the proposals. The site is within the Countryside, however, Local Plan Policy DEV8 provides a policy which allows for Local Firms to develop outside the Built Up Area Boundaries.

The applicant's reason for relocating is well documented. Fargro is currently located in an area which has planning approval for housing development as part of the "North Littlehampton" scheme. The NPPF places significant weight on the need to support economic growth through the planning system. The need for planning to respond positively to a local business which wishes to grow and prosper, and the protection of existing and businesses jobs are material considerations that count heavily in favour of this application.

The applicants have been able to meet most of the criteria required in policy DEV8. However, the application site is not accessible by public transport as required by DEV8 PartII (b) and it will not immediately meet the requirements of DEV8 PartII (D) as the proposed building will be conspicuous in the landscape when it is first constructed and therefore will not relate sympathetically to the surrounding built or natural environment as required by the policy.

The Landscape Capacity Study identifies that proposal site shows a very limited capacity to absorb development without significantly affecting the character of the area. The applicants have

submitted a detailed landscaping scheme and the Trees and Landscaping Manager is satisfied that this will provide an acceptable solution to this issue in the long term.

A final consultation response from the Highways Agency has not yet been submitted but it anticipated that this will be received in advance of the Development Control Committee meeting and a committee update report will be prepared. An objection is not expected as the required information is not substantial.

The harm to the countryside must be weighed against the benefits associated with the scheme taking into account the economic benefits and the presumption in favour of sustainable development as advocated by the NPPF. In this instance, it is considered that on balance the benefits associated with the development outweigh the harm to the countryside caused by the development of the site.

HUMAN RIGHTS ACT

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). 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 a neutral impact has 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.

As a neutral impact has been identified no mitigation is proposed.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 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).

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

Existing Location and Block Plan 0764-PA-001 Rev C
Proposed Site Plan 0764-PA-010 Rev B
Planting Plan cb/a/TVP/P/001/B
Proposed Warehouse Elevations 0764-PA-013 Rev C
Proposed Covered Storage Elevations 0764-PA-014 Revision A
Access Road to rear Development 35201-102 Rev B

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 of the Arun District Local Plan.

- 3 The gross floorspace for the storage and distribution warehouse hereby approved shall not exceed 6,400 square metres. No mezzanine floors are to be inserted in any part of the building without the prior approval of the Local Planning Authority.

Reason: To accord with the stated intentions of the submitted Design and Access Statement

- 4 The storage and distribution warehouse hereby permitted shall not be operated on Sundays or Public Holidays or at any time otherwise than between the hours of 06.00 to 18.00 on Mondays to Fridays and 0700 to 1300 on Saturdays.

Reason: To safeguard the amenities of neighbouring properties in accordance with policy GEN7 of the Arun District Local Plan.

- 5 Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:

- Monday-Friday: 08.00hrs-18.00hrs
- Saturday: 08.00hrs-13.00hrs
- Sundays and Bank Holidays: no work permitted.

Reason: To safeguard the amenities of nearby residents and to accord with policies GEN7 and GEN 32 of the Arun District Local Plan.

- 6 The development shall be carried out in accordance with the submitted Noise Impact Assessment (Clement Acoustics 7739-NIA-01 7 December 2012). The detailed scheme of noise mitigation measures outlined in Section 7.1 of the report shall be implemented prior to the commencement of development and be permanently maintained for the duration of the works.

Reason: In order that noise levels may be agreed prior to the commencement of development.

- 7 From first occupation of the development hereby approved, the equivalent continuous Aweighted sound pressure level over any 15 minute period (LAeq 15min), arising from machinery and operations at the site shall not exceed the background noise level (LA90, 5min) by more than 5dB(A), when measured at the boundary of any residential property.

The maximum noise level (L_{Amax}) from machinery and operations at the site shall not exceed

60dB(A), when measured at the boundary of any residential property. All noise measurements shall be made according to the main procedural requirements of BS 4142:1990

Reason: To safeguard the amenities of neighbouring residential properties and their occupiers in accordance with policies GEN7, GEN32 of the Arun District Local Plan.

- 8 Other than the area shown for "Trade Counter" and "Offices" on the approved plans the units shown on the plans hereby permitted which shall be used solely for the purposes within Use Class B8 as defined in the Town and Country Planning (Use Classes) Order, 1987 as amended.

Reason: To enable the Local Planning Authority to control the use of the premises in detail having regard to the amenities of nearby residential properties in order that the Local Planning Authority may regulate and control the use of the premises in accordance with policy GEN7 of the Arun District Local Plan

- 9 From first occupation of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority the total number of Heavy Goods Vehicle movements associated with the development hereby permitted, shall not exceed 30 per day. For the avoidance of doubt a Heavy Commercial Vehicle shall have a gross vehicle weight of 7.5 tonnes or more and the arrival at site of a Heavy Goods Vehicle and departure from it count as separate movements.

Reason: In the interests of safeguarding local amenity and the amenity of the users and in the interest of road safety.

- 10 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 all 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.
- Layout of the site compound to indicating storage, turning provision, unloading/loading, wheel washing facilities, parking etc
- Detail of parking provision for site operatives and visitors
- The type and dimensions of vehicles accessing the site
- Layout of site accesses including visibility and vehicle tracking plots where appropriate

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

- 11 An archaeological investigation (sampling, monitoring and recording) of the site shall be carried out at the expense of the developer in accordance with a specification (written scheme of investigation) to be submitted to and agreed by the Local Planning Authority in writing following the demolition of any existing buildings and before the commencement of building works.

Reason : To ensure appropriate investigation and recording of archaeological heritage assets on the site prior to commencement of new building works.

- 12 No work shall be carried out on the site unless and until an effective vehicle wheel cleaning facility has been installed in accordance with details approved by the Local Planning Authority and such facility shall be retained in working order and operated throughout the period of work on the site.

Reason: To ensure that vehicles do not leave the site carrying earth and mud on their wheels in a quantity which causes a nuisance or hazard on the road system in the locality and to accord with policy GEN7 of the Arun District Local Plan.

- 13 No construction/building work shall be carried out on site unless there is available within the site in accordance with details approved by the Local Planning Authority provision for the temporary parking of vehicles and the loading and unloading of vehicles associated with the building or other operations on the site throughout the period of work required to implement the development hereby permitted.

Reason: In the interests of road safety and to accord with policy GEN7 of the Arun District Local Plan.

- 14 No work shall be carried out on site unless provision is available within the site (or other adjacent land within the applicant's control) in accordance with details approved by the Local Planning Authority, for all temporary contractors' buildings, plant and stacks of materials associated with the development and such provision shall be retained for these purposes throughout the period of work on the site.

Reason: To avoid undue congestion of the site and consequent obstruction to access and to accord with policy GEN7 of the Arun District Local Plan.

- 15 The buildings shall not be occupied until the parking spaces 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 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.

- 16 No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority. The approved travel plan shall be implemented as approved.

Reason: To encourage and promote sustainable transport.

- 17 The development shall not be occupied until a Vehicle Routing 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 in perpetuity. The Plan shall provide details as to how HGV's will access and egress the site, and the measures that will be taken to ensure that HGV's do not use unsuitable vehicle crossover points on the A27 at Poling Street.

Reason: In the interest of road safety.

- 18 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.

- 19 If within a period of five years from the date of the planting of any tree or shrub approved under condition 20, 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.

- 20 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 storage and distribution warehouse.

Reason: To safeguard the residential amenities of the local area in accordance with policies GEN7 and GEN 32 of the Arun District Local Plan.

- 21 From first occupation of the development:

- a) The means of vehicular access to the development hereby approved, including access to the service yard shall be via the Vinery Commercial estate only.
- b) There shall be no means of vehicular access, except for emergency vehicles, to the development from the unnamed lane fronting Lillian Terrace to New Terrace.

REASON: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan

- 22 From first occupation of the development:

- a) The means of vehicular access to Yarmer Barn, shall be via the Vinery Commercial estate only.
- b) There shall be no means of vehicular access, except for emergency vehicles, to Yarmer Barn from the unnamed lane fronting Lillian Terrace to New Terrace.

REASON: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan

- 23 The buildings shall not be occupied until the 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 No removal of trees or shrubs shall be carried out on site between March to August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority. Where vegetation must be cleared during the bird breeding season a check for nesting birds by a suitably qualified ecologist will be required. Any vegetation containing occupied nests will be retained until the young have fledged. The location details of the compensatory nesting provision should be supplied to the Local Planning Authority for written approval prior to their erection.

Reason: In the interest of protecting and conserving the ecological quality of the area in accordance with the NPPF paragraph 118.

- 25 No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A site investigation scheme, based on the Phase 1 Contamination Assessment Report to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages,

maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reasons: To ensure the protection of water quality in accordance with the NPPF.

The site lies above the Lambeth Group formation which is designated a Secondary Aquifer and overlies chalk at depth. The site is located near to the Source Protection Zone 1 (SPZ) for the Blue Prince Mushrooms abstraction point. Contamination may be present at the site as a result of its historical use(s). Any contamination present may pose a risk to groundwater underlying the site and potable supplies.

- 26 Prior to the use of the site a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reasons: To ensure the protection of water quality in accordance with the NPPF.

The site lies above the Lambeth Group formation which is designated a Secondary Aquifer and overlies chalk at depth. The site is located near to the Source Protection Zone 1 (SPZ) for the Blue Prince Mushrooms abstraction point. Contamination may be present at the site as a result of its historical use(s). Any contamination present may pose a risk to groundwater underlying the site and potable supplies.

- 27 If, during development, contamination not previously identified is found to be present at the site then no further development (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.

Reasons: To ensure the protection of water quality in accordance with the NPPF.

The site lies above the Lambeth Group formation which is designated a Secondary Aquifer and overlies chalk at depth. The site is located near to the Source Protection Zone 1 (SPZ) for the Blue Prince Mushrooms abstraction point. Contamination may be present at the site as a result of its historical use(s). Any contamination present may pose a risk to groundwater underlying the site and potable supplies.

- 28 The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reasons: To ensure the protection of water quality in accordance with the NPPF.

- 29 Development shall not commence until full details of the proposed surface water

drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

Where a sustainable drainage scheme is to be provided, the submitted details shall:

- provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- include a timetable for its implementation; and
- provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.

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

- 30 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.

- 31 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

- 32 Prior to the commencement of development the applicant will submit to the District Council, and have approved in writing a scheme detailing arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the

site.

The scheme should detail how the approved development will not restrict current and future

land owners from undertaking their riparian maintenance responsibilities of any watercourse on

or adjacent to the site. The scheme so approved shall be adhered to in the construction of the

building and maintained for the lifetime of the development.

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.

- 33 No part of the development hereby permitted shall be occupied until the completion of the improvements to the A27 shown on drawing number 35201-102 Rev E (or such other scheme of works substantially to the same effect, as may be approved in writing by the local planning authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport)).

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

- 34 No works shall commence on site until a Construction Management Plan, to include details of numbers and routeing of construction vehicles, provision to control and manage construction traffic and measures to prevent dust and debris from being deposited onto the A27 Trunk Road, has been submitted to and approved in writing by the Local Planning Authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport). The construction of the development shall be carried out in accordance with the approved Construction Management Plan unless otherwise agreed in writing by the Local Planning Authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport).

Reason: To ensure that construction of the development does not result in avoidable congestion on the A27 Trunk Road, to prevent extraneous material being deposited on the highway, to ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

- 35 No development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls, including the proposed green wall support lattice, and roof of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/setting of the the Listed Building/ by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 36 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning

(Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 37 INFORMATIVE: Further details are required on the proposal to install a package treatment plant for treating foul drainage. If you wish to discharge treated sewage effluent into a surface water or to ground you may require an Environmental Permit from the Environment Agency. You should apply online at <http://www.environment-agency.gov.uk/business/topics/permitting> or contact 08708 506506 for an Environmental Permit.

As part of the Permitting process the environmental acceptability of the discharge on the receiving waters will be fully determined. There are therefore no guarantees a Permit will be granted.

- 38 INFORMATIVE: The application highlights the proposed storage of agricultural chemical onsite. These should be stored in secure containers with regard to health and safety and to ensure pollution prevention. The applicant should refer to the Environment Agency's Pollution Prevention Guidance Note 1 which is available from <http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>