

REPORT UPDATE

Application No: A/84/17/PL

Reason for the Update / Changes

Reason for Update/Changes:

A former member of Littlehampton Town Council has written in to assert that the statement on bus provision in the Committee report is not accurate. There is a bus stop located in the Rustington Retail Park which requires a walk up the A259 to cross at traffic lights. The number 12 bus runs hourly between 10am and 2pm Monday to Friday only. Stating it offers an hourly service gives the impression it runs for longer than these times. A store of this size, combined with the leisure provision which exists on the site, should be required to contribute to an enhancement of this service.

Officers Comment:

Table 4.1 on page 8 of the submitted Transport Assessment sets out the bus services and frequencies at the nearest bus stops, which are located at Rustington Retail Park, 700 metres to the south east of the site; and on Mill Lane situated approximately 900 metres south of the site. Table 4.1 gives the approximate frequency of Bus service 12 (Sainsbury's - Rustington - Littlehampton -Wick - Tesco) as every hour from Mondays to Saturdays). The applicant has been informed by the case officer of the correct times of the number 12 bus.

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

Recommendation Report for Planning Permission

REF NO: A/84/17/PL

LOCATION: Rustington Golf Centre
Golfers Lane
Angmering

PROPOSAL: New retail unit with mezzanine together with associated car parking & service road
- This is a Departure from the Development Plan

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This planning application (A/84/17/PL) is for the development of a retail unit, incorporating a mezzanine space on land currently occupied by a 3 Hole Academy Golf Course at Rustington Golf Centre, in Angmering. The proposed retail unit would occupy a building measuring 7.5 metres high, by 55.0 metres long, by 49.0 metres wide (deep), with a gross internal floor area including the mezzanine (1,393 square metres for the mezzanine), comprising 3,807 metres square in total. The retail unit would be constructed with laminated timber frame,

vertical cladding and aluminium framed glazing system, with aluminium doors and membrane flat roof covering. Go Outdoors is the intended occupier of the proposed retail unit.

The applicant estimates that 16 full time staff and 34 part time staff would be employed at the retail unit. It is anticipated that the opening hours will be 9.00am to 8.00pm Monday to Friday, 9.00am to 6.00pm on Saturdays and bank holidays and six hour trading on Sundays in a period ranging between 9.00am and 6.00pm.

The applicant is also proposing the development of a 278 space car park and a service road, together with hard and soft landscaping.

The retail unit, car parking and service road which are the subject of this application (A/84/17/PL) are being proposed in substitution for the approved 9 five-a-side football pitches and associated football building incorporating changing facilities and a bar, which were granted planning permission in January 2017 (A/77/16/PL). The proposed retail unit, would be developed alongside the remaining elements approved leisure facilities at the front of the Golf Centre comprising a 63 bed hotel, a pub / restaurant, an indoor trampoline and laser tag centre, a forest adventurer kiosk and a nursery with associated infrastructure and landscaping (A/77/16/PL).

SITE AREA

The total site area is approximately 3.45 Hectares.

TOPOGRAPHY

The site is predominantly flat with a very gentle slope from east to west.

TREES

The site has mature trees along the boundary with the highway; and there are tree belts throughout the courses within the Rustington Golf Centre. There is a narrow belt of mature Monterey Pine trees between the application site and the the 9 hole pitch and putt course and clusters of trees within the Three Hole Golf Teaching Academy course.

BOUNDARY TREATMENT

To the south, the site has extensive tree screening along the post and rail fence boundary with the A259 to the south. The north of the application site is bounded by a laurel hedge and the existing car park. The west side of the application site is open to the existing golf course. The eastern boundary of the application site is formed by the narrow belt of mature Monterey Pine trees.

SITE CHARACTERISTICS

Rustington Golf Centre includes an 18 hole golf course, a 9 hole golf course, a 3 hole academy course and an 18 hole putting green which are situated in a parkland setting. The character is landscaped fairways with golf course features. The application site is located to the south west of the Golf Centre comprising the 36 bay driving range and American Golf shop and cafe, Virgin Active Health Club and an Out of Bounds Family Activity Centre with bowling alley. Rustington

Golf Centre is separated from the Ham Manor housing estate by substantial landscaping. The site is accessed via Golfers Lane, to the east of the site, which is approximately 5.5 metres wide and enables two way vehicular movement between the Rustington Golf Centre and the strategic road network via the A259 / Mill Lane roundabout. There is a 346 space car park which serves the existing golf and leisure facilities.

CHARACTER OF LOCALITY

The land to the south of the A259, facing Rustington Golf Centre, has undergone considerable development in the last few years. The Rustington Retail Park which comprises the Sainsbury's superstore and retail warehouse units occupied by Pets at Home, Halfords and Dunelm is located on the southern side of the A259. There is a new car showroom on land to the west of the Rustington Retail Park operated by BMW / Mini. The Manor Retail Park is located adjacent to the car showrooms and it is occupied by a Next, Tapi Carpets and an Aldi foodstore. Brookside Business Park, which comprises mainly appliance stores is located approximately 1 kilometre to the south of the application site. Littlehampton town centre is 4.8 kilometres from the site; and the centre of Rustington is 1.66 kilometres away.

RELEVANT SITE HISTORY

A/77/16/PL	Leisure development consisting of 9 No. 5 a side pitches, App Cond with S106 trampoline/laser tag centre, hotel, pub/restaurant, forest 25-01-17 adventure kiosk, nursery, sub-station & associated infrastructure & car parking. This application is a Departure from the Development Plan.	
A/95/14/PL	New miniature golf course	ApproveConditionally 19-09-14
A/29/12/	Change of use of vacant building from family activity centre (D2) to restaurant/cafe (A3) with ancillary food preparation/packaging (B1), farm shop (A1) & hot food takeaway (A5). Minor amendments to northern elevation. (Re-Submission following A/120/11)	App Cond with S106 16-10-12

The application site originally received planning permission for its current uses in 1991 and there have been a number of applications, including the addition of the miniature golf course in 2014.

Planning permission (A/77/16/PL) comprised of 936 square metres of pub/ restaurant use (Class A3/A4), 2,254 square metres of hotel use (Class C1 - 63 bed hotel), 555 square metres of nursery use (Class D1), 2,544 square metres of trampoline / laser centre (Class D2), 465 square metres of changing

facilities (Class D2), forest adventure and a 100 square metre kiosk (Class D2); 9 five-a-side football pitches and 234 parking spaces. Access to this leisure development was approved via the existing access road off Golfers Lane. This planning permission was accompanied by a Section 106 Agreement to cover the provision of the off-site footpath / cycle path.

The proposed development (A/84/17/PL) replaces the 9 five-a-side football pitches granted as part of planning permission (A/77/16), with a retail unit measuring 3,807 square metres. Parking provision in the current application (A/84/17/PL) is increased by 44 spaces (from 234 spaces to 278 parking spaces) and 3 lorry parking bays, a new separate service road within the site to serve the rear of the units and a footpath along Golfers Lane to facilitate pedestrian access into the site.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

Objects.

- Impact on surrounding area, particularly traffic levels on the A259.
- Highway safety, as a result of the increased vehicle movements (comments from Highways England also noted).
- Need for a retail development of this kind in the area is not demonstrated. Multiple negative impacts on local retail outlets. Retail assessment does not include Angmering.

Rustington Parish Council:

Objects.

- If the particular tenant does not move into the proposed A1 retail unit, then permission would be in place for any type of retail unit, which could result in yet another grocery/food outlet in what can only be described as an already saturated area in respect of such units. The retail impact of this possibility is not assessed in this planning application and, therefore, significant changes would need to be made to the Retail Assessment to consider any other such operator.
 - The Section 106 Agreement from planning application A/77/16/PL makes financial provision for an improvement of access at the entry point to the site for cycles and pedestrians. This needs to be a condition imposed on this application and should also be part of the remit for the Travel Plan Co-ordinator, as without correct implementation of this access route the Travel Co-ordinator will be unable to achieve and deliver its own objectives.
 - It is unfortunate that the Local Highway Authority does not consider that the severe increase in traffic, which will be generated by the proposed retail unit, will be a risk to the strategic road network in the vicinity. The current congestion in Mill Lane is of extreme concern, particularly as any increase in traffic levels would result in gridlock for road users exiting Rustington.
 - The Travel Plan does not comply and, most certainly, contravenes Policy GEN4 of the Arun District Local Plan 2003.
 - The Travel Plan contains a number of inaccuracies, including the fact that there is currently no Number 12 bus service. Whilst this is scheduled to be re-instated this is purely on a 6 month trial basis and there is no guarantee without the necessary funding from relevant bodies that this service will continue.
- Rustington Parish Council would also like its previous objection to planning application A/77/16/PL to receive consideration by the LPA when determining this application:
- Access - danger to traffic at roundabout. Current reported accidents on roundabout number 28. More traffic will, on average, see more accidents. The reliance on car sharing is felt to be over optimistic. This could be alleviated by a) bringing forward the enhanced 2021 plan for road improvements, b) possibility of a second entrance from the A259 at the western end of the site.
 - Accessibility on foot - concern for pedestrians crossing from Rustington across the roundabout to the

proposed development. There is no nearby pedestrian crossing. There is no pedestrian provision at the entrance to the site and no provision for prams or wheelchairs. The access road has no pedestrian areas or paths. This could be alleviated by a) the provision of a footbridge or subway across the roundabout, b) the provision of a footpath between the Sainsbury's/Retail Park crossing and the north-eastern entrance to the site for safe pedestrian access, c) moving forward the 2021 enhancement of the entrance to be implemented at the same time as the development.

- Accessibility by cycle - this is inadequate on such a busy roundabout. This is not covered to any degree in the travel plan. This could be alleviated by a) a subway under the roundabout, b) the provision of a cycle path between the Sainsbury's/Retail Park crossing and the north east entrance to the site, c) the bringing forward of the 2021 enhancement of the entrance to implement improved cycle access.

Littlehampton Town Council:

Objects.

- Concerns were expressed regarding the ability of pedestrians to safely negotiate the site and it was considered that more footpaths were required to facilitate this.

- The lack of access to the site for pedestrians from the direction of Rustington and Littlehampton was also highlighted, as well as the absence of public transport.

- The inner road network should be widened to accommodate the growth in traffic.

- If planning permission is granted, a contribution should be sought from the applicant towards the development of public transport initiatives.

The Joint Eastern Arun Area Committee (JEAAC):

The JEAAC raised concern in respect of the traffic flow problems that the increased use of the access road from the roundabout would cause for highway users, and concern over the road width and capacity within the site.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and issues are addressed in the "Conclusions" section of this report.

CONSULTATIONS

Highways England

Listed Building Officer

Surface Water Drainage Team

Parks and Landscapes

Economic Regeneration

Southern Water Planning

Sussex Police-Community Safety

Engineers (Drainage)

Engineering Services Manager

WSCC Strategic Planning

Highways England

Highways England

Highways England

Parks and Landscapes

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND:

On 13th June 2017 Highways England submitted a representation claiming there was insufficient information provided by the applicant on which to base an informed decision in relation to the potential impacts of the development on the Strategic Road Network.

1. The traffic impact of the proposed development is now much higher following replacement of the football pitches with the proposed retail unit, and more information is requested on the type of retail unit proposed.
2. It is not clear how many trips are expected to end up at the A27 and no consideration has been given to the impact of the proposed development on the A27.
4. The applicant needs to consider this proposed site in relation to the cumulative impacts of the emerging Local Plan proposals at the end of the emerging Local Plan period.
5. The applicant should either demonstrate that the proposed development has no detrimental impact on affected A27 junctions (with A284 to the west and with A280 to the east in particular) or where this is not the case provide appropriate mitigation.

On 24th August 2017 Highway's England submitted a second consultation response informing the LPA that the applicant had provided a Technical Note in response to HE's comments of 13th June 2017. Highways England expects that proportionally more traffic would use the A27 junctions than proposed and the use of travel to work data may not be appropriate in this situation and is still concerned that the proposed development has the potential to cause severe harm to the Strategic Road Network.

On 21st September 2017, Highways England reviewed the additional information provided by the applicant and requested that the impact on the A27 needs to be considered for the development in its entirety based on gross trips. Even if the proposed distribution is accepted (which Highways England considers low for the A27 as previously outlined), there would be 43 two way trips in the PM peak hour and 51 in the Saturday peak at the A27 / A280 junction.

On 18th October 2017 the applicant submitted a further Technical Note assessing the traffic impact of the proposed development on the A27/A280/Titnore Lane southern roundabout and the A27/A280/Long Furlong northern roundabout. The Technical Note demonstrated that the gross impact of the proposed development would result in an immaterial impact on the junctions and concluded that "the gross impact of the development proposals at Rustington Golf Centre will not result in any adverse disruption to the free flow of traffic on the surrounding highway network and certainly not lead to a severe impact as is outlined in the NPPF".

On 6th November 2017 Highways England withdrew its objection and was satisfied that the trips generated by the proposed development would be of a level that would not materially affect the safety and / or operation of the Strategic Road Network.

LOCAL HIGHWAY AUTHORITY:

No objection, subject to the replication of conditions/obligations imposed on planning permission A/77/16/PL for the leisure development at Rustington Golf Centre.

A Transport Assessment has been submitted building upon work undertaken in support of planning application A/77/16/PL. The applicant proposes modification of the Golfers Lane arm, as previously assessed through planning application A/77/16/PL, and future year testing of the proposed layout demonstrates that the operation of the junction (in particular the Golfers Lane arm) will operate within theoretical capacity. A cycle/footway is proposed as per planning permission A/77/16/PL. This will now connect into an internal 2 metre wide footway, with cyclists discharged onto Golfers Lane. Internally, a service road provides access to the rear of the commercial buildings. The proposed provision of 278

parking spaces will fall within the maximum car parking standard of both WSCC and Arun District Council. The forecast indicates that approximately 35% residual capacity will remain, which will ensure a sufficient supply of parking to cater for peak periods associated with the uses (i.e. school holidays / Christmas period).

SOUTHERN WATER:

No objection.

There is currently inadequate capacity in the local network to provide a water supply to service the proposed development. Additional off-site mains, or improvements to existing mains, will be required to provide sufficient capacity to service the proposed development. There is a critical public foul rising main within access to the site; the exact position of the public sewers must be determined on site by the applicant. No development or new tree planting should be located within 4 metres either side of the centre-line of the 4.5 metres diameter public foul rising main and all existing infrastructure should be protected during the course of construction works; no new soakaways should be located within 5 metres of a public foul rising main. The applicant may wish to divert the public rising main. In this case, Southern Water requests a formal application for a sewer diversion under Section 185 of the Water Industry Act 1991 to divert the critical public sewer. Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. Initial investigations indicate that there are no public surface water sewers in the immediate vicinity of the site. Alternative means of draining surface water from this development are required; which should not involve disposal to a public foul sewer. The applicant will need to ensure that arrangements exist for the long term maintenance of the SuDS facilities; good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

WSCC (FLOOD RISK MANAGEMENT):

No objection.

Modelled surface water flood risk is low; and modelled ground water flood risk is high. The potential for ground water contamination within a Source Protection Zone has not been considered by the Lead Local Flood Authority (LLFA). The submitted FRA proposes that infiltration will be used to restrict the run-off from the development to greenfield run-off rates. The drainage designs should demonstrate that the surface water run-off generated up to and including the 100 year, plus 30% for climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event. 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.

ADC DRAINAGE:

No comments as the proposed development comprises only one unit and is outside the Lidsey Catchment Area.

ADC ECONOMIC DEVELOPMENT:

No objection.

It is noted that the applicant states that if permission for the retail unit is not forthcoming the whole leisure development will not go ahead. Whilst the Economic Development Team is concerned that a development on such a scale should hinge on a retail permission it is still of the opinion that there would not be another suitable retail unit within the vicinity. The applicant states that the development would bring around 50 jobs and Economic Development would still ask, as previously, that the applicant demonstrates their commitment to the locality by agreeing to sign the Developer and Partner Charter and works with the Economic Development Team to involve local trades in the building of the development.

ADC GREENSPACE:

No objection.

The submitted application includes existing landscape features such as screening trees and hedgerows, which must be protected and retained. A detailed landscape scheme will need to be proposed that will maximise the biodiversity of the site in its semi-rural setting with the inclusion of mixed ornamental and native species for the retention of a variety of habitats; and include mitigation planting for removed vegetation and additional planting would be required to provide screening and to soften what is presently a green area. The submitted tree retention and protection plan indicates the tree protection measures to be taken. Before construction, this tree protection scheme must be in place for all retained trees including trees whose tree protection areas fall within the construction zone, in accordance with BS 5837:2012 'Trees in relation to construction'.

The work carried out by KKP (consultants employed by Arun District Council to inform the evidence for the Playing Pitch Strategy) was on the basis of the facilities in place when they undertook their study - April / May 2016, rather than facilities that were proposed. A planning permission for the leisure development including the 9 five-a-side football pitches is in place, but the facilities were not provided and therefore not in place. On this basis it could not be deemed to be a loss of sports facilities, however, it is regrettable that they will not be provided. It is noteworthy that there was no interest in facilities, however, these would have been for facilities for which there would be a cost associated for their use at Rustington Golf Centre.

SUSSEX POLICE:

No objection, but recommended that the development be constructed to Secured by Design standards.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and issues are addressed in the "Conclusions" section of this report.

POLICY CONTEXT

Designation applicable to site:

Outside the Built-Up Area Boundary (BUAB)

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN23	The Water Environment
GEN11	Inland Flooding
GEN12	Parking in New Development
DEV26	Criteria for Retail Development
DEV27	Retail Development Outside the Principal Shopping Areas
GEN15	Cycling and Walking
GEN18	Crime Prevention
GEN2	Built-up Area Boundary
GEN25	Water Resources
GEN26	Water Quality
GEN28	Trees and Woodlands
GEN29	Nature and Conservation Across the District

GEN3	Protection of the Countryside
GEN14	Public Transport
GEN32	Noise Pollution
GEN33	Light Pollution
GEN7	The Form of New Development
GEN8	Development and the Provision of Infrastructure
GEN9	Foul and Surface Water Drainage

Publication Version of the Local Plan (October 2014):

D DM1 Aspects of Form and Design Quality
D SP1 Design
QE DM1 Noise Pollution
QE DM2 Light Pollution
ENV DM4 Protection of Trees
ENV DM5 Development and Biodiversity
GI SP1 Green Infrastructure & Development
QE SP1 Quality of the Environment
T DM1 Sustainable Travel and Public Rights of Way
SD SP2 Built-Up Area Boundary
C SP1 Countryside
T SP1 Transport and Development
W DM1 Water Supply & Quality
W DM2 Flood Risk
W DM3 Sustainable Urban Drainage Systems
RET DM1 Retail Development
RET SP1 Hierarchy of Centres

Angmering Neighbourhood Plan 2014 POLICY TM2 Cycling Walking & Equestrian

Angmering Neighbourhood Plan 2014 POLICY EH3 Flood Prevention

Angmering Neighbourhood Plan 2014 POLICY TM1 Local Highways

Angmering Neighbourhood Plan 2014 POLICY HD1 Built-up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

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

A new Local Plan is in preparation and constitutes a material consideration when determining planning applications. The Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the

submitted plan was suspended whilst Arun District Council addressed matters raised by the Inspector and published modifications to the emerging Local Plan, but it resumed on 17th September 2017 and has now concluded. The Main Modifications to the emerging Arun Local Plan and evidence base were available for public consultation over a six week period which started on Friday 12 January and ended on Friday 23 February 2018. The District Council is awaiting the Inspector's report which is due out in June/July 2018.

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

The Neighbourhood Development Plan

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

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Angmering Neighbourhood Plan was made on 11th March 2015. Relevant Angmering Neighbourhood Plan (ANP) policies have been taken account of and are addressed in the 'Conclusions' section of this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it adds new retail development to an existing commercial leisure location without impacting further on the rural character; and it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The commercial leisure site which comprises Rustington Golf Centre exists within an area that lies in a countryside location outside the built-up area boundary where the principle of development is considered to be unacceptable. Development Plan policies seek to exert strict control over development in the countryside to protect it for its own sake. Development will only be permitted where there is a strong justification for a countryside location. The Government's advice indicates that planning authorities should continue to ensure that the quality and character of the wider countryside is protected and where possible enhanced.

Development outside the built up area boundary:

The Arun Local Plan (the 'ALP') 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, however, GEN2 includes clause which states that outside the built-up area boundaries development will not be permitted unless consistent with other Local Plan policies. GEN3 (iv) also refers to development not being permitted unless it accords with a policy in Sections 2 and 3 of the plan referring to a specific use or type of development. Retail development therefore needs to be considered in relation to Policies DEV26 and DEV27 before it can be determined if the proposal complies with GEN2 and GEN3.

The site lies outside the built up area boundary set out in the Angmering Neighbourhood Plan Policy HD1 ('the ANP') which seeks to limit new development to within the boundary to prevent encroachment into the open countryside. The policy also includes the wording 'development outside the Built-up area Boundary shall not normally be permitted subject to the other policies in the Neighbourhood Plan, the emerging Arun Local Plan and the South Downs National Park Local Plan'. There are no relevant retail policies in the ANP but as it cross-refers back to the emerging Arun Local Plan, the retail policies below would be applicable in determining compliance with HD1.

The modified emerging Arun Local Plan (January 2018) (the 'modified eALP') shows the site as outside the built up area boundary and partly within a Biodiversity Opportunity Area. Therefore, the application should be contrary to Policy SD SP2 of the eALP which seeks to focus development within the built up areas, rather than countryside. Policy C SP1 restricts development in the countryside unless it meets the criteria in the policy (a) to (e) or accords with other policies in the Plan which refer to a specific use or type of development (f). The proposal does not meet any of the criteria (a) to (e), but criterion (f) means that it should be considered under Policy RET DM1 which specifically covers retail development. The conclusion on compliance with C SP1 is therefore considered later in the report in conjunction with RET DM1.

The weight ascribed to these policies needs to be assessed. Policies GEN2 and GEN3 in the Arun Local Plan are considered to have reduced weight as the ALP does not plan for retail development beyond 2011, it pre-dates the NPPF and the built up area boundaries are based on development needs as they were understood in 2003. The protection of the countryside for its own sake (GEN3) is also not consistent with the NPPF. Therefore, GEN2 and GEN3 should be given minimal weight.

Policy HD1 of the ANP has an identified objective of retaining the rural character of Angmering through defining the built up area boundary. As a more recently made neighbourhood plan Policy HD1 has full weight as part of the development plan.

The modified eALP has been through examination and further consultation on modifications following the examination which has now concluded and the Inspector's report awaited. Therefore, as it is close to being able to be adopted, and there are no outstanding objections in relation to Policy SD SP2 and C SP1, some weight can be given to them as a material consideration.

Strictly speaking, the development of a new retail unit comprising 3,807 metres square in total, outside the built up area boundary would be contrary to the policies in the development plan and would be recommended for refusal. However, in this instance the proposal to increase the amount of built development on site is not going to intrude further in to the open countryside, instead it will be built on an area that is currently shown as a golf - teaching academy. The golf centre will retain the golf course and the 9 hole pitch and putt areas between the car park and the A259.

The principle of leisure development on the 3 hole Academy Course was established with the grant of planning permission (A/77/16/PL) in January 2017 for a leisure development. The leisure development comprised a 63 bed hotel, a pub / restaurant, an indoor trampoline and laser tag centre, 9 five-a-side football pitches and associated football building incorporating changing facilities and a bar, a forest adventurer kiosk and a nursery with associated infrastructure and landscaping (A/77/16/PL). The retail unit, car parking and service road which are the subject of this application (A/84/17/PL) are being proposed in substitution for the approved 9 five-a-side football pitches and associated football building.

The site is located within the 'made' Angmering Neighbourhood Plan area and the Plan confirms that there is a presumption in favour of sustainable development. The NDP follows the guidance set out in the NPPF.

The NPPF sets out that the planning system does everything it can to support sustainable economic growth (Para19). Paragraphs 26 & 27 set out that for retail developments outside of town centres, which are not in accordance with an up-to-date local plan, local planning authorities should require an impact assessment. Only where an application fails to satisfy the sequential test or is likely to have significant adverse impact should be refused. This proposal does meet the sequential test and does not have a significant adverse impact on the relevant factors.

ECONOMIC BENEFITS

The economic benefits of the proposed retail unit include the employment of 50 people - i.e. 16 full time staff and 34 part time staff. The range of goods that could be available for sale at the retail unit comprise: DIY, building and garden supplies, carpets and floor coverings, furniture, furnishings and homewares, motoring and cycling goods and accessories, electrical goods and related ancillary ranges, tents, camping, caravanning and outdoor leisure activity equipment and accessories and an associated ancillary outdoor clothing and footwear range.

LOSS OF SPORTS PITCHES

The Retail Assessment claims the need for this planning application arises due to a lack of interest by potential operators of the 9 five aside football pitches which stems from competition from nearby established five aside football pitch operators; and the importance of finding a suitable replacement use to the five aside football pitches, to ensure the overall viability of the approved leisure scheme at Rustington Golf Centre.

The applicant has submitted evidence that there is no interest in the take-up of the approved football pitches. When the approved leisure development is taken as a whole including a hotel, a pub / restaurant, an indoor trampoline and laser tag centre a forest adventurer kiosk and a nursery with associated infrastructure and landscaping (A/77/16/PL); the retail unit, car parking and service road which are the subject of this application (A/84/17/PL) are being proposed in substitution for the approved 9 five-a-side football pitches and associated football building incorporating changing facilities and a bar. The Local Planning Authority agrees with the claims made by the applicant regarding the lack of interest by potential operators; however, these would have been for facilities for which there would be a cost associated for their use at Rustington Golf Centre; and it is considered that the loss of the 9 five-a-side football pitches is acceptable and that the retail development is fundamental to the delivery of the wider

leisure scheme that has been granted planning permission at Rustington Golf Centre.

RETAIL DEVELOPMENT POLICIES

The National Planning Policy Framework says: "Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale" (NPPF paragraph 24).

"When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floor-space threshold, the default is 2,500 square metres). This should include assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal: and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made" (NPPF paragraph 26).

"Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused" (NPPF paragraph 27).

Policy DEV26 of the Arun District Local Plan seeks to maintain the existing retail hierarchy in the District. The site is shown as outside the built-up area boundary and not in any of the Principal Shopping Areas. It therefore falls to be considered as an out-of-centre development and be subject to Policy DEV27.

Policy DEV27 states that planning permission will be granted for proposals for food and non-food retail outside the Principal Shopping Areas provided that:

- i) The proposal does not adversely affect the vitality and viability of the Principal Shopping Areas and local shopping areas, either as an individual development or cumulatively with similar existing or proposed developments;
- ii) The site is accessible from the highway network and by public transport;
- iii) There is provision for access by cycle and on foot; and
- iv) There is provision to enable access for people with disabilities.

Policy DEV27 requires a full impact assessment and sequential site analysis and applicants are required to demonstrate a need for additional facilities.

Where permission is granted, conditions will be applied as appropriate to restrict the range of goods sold and the minimum size of units (to not less than 1,000 square metres) with no further sub-division allowed.

Policy RET SP1 of the modified emerging Local Plan (2011-2031) seeks to retain the existing retail hierarchy and to make Littlehampton and Bognor Regis the main focus for retail development. Rustington is intended to maintain its existing role as a Local Service Centre providing a good range of shops serving the local population. Out of centre retail development is controlled by Policy RET DM1 of the modified emerging Local Plan and this will establish the NPPF impact tests and expresses the sequential test.

The planning application was accompanied by a Retail Assessment which describes in detail the relevant planning policies regarding the proposed retail unit and how these policies have been addressed. The scope of the Retail Assessment was agreed with Arun Council's planning officers.

SEQUENTIAL TEST

In terms of the sequential test, the current application for the Go Outdoors store at Rustington Golf Centre potential sites were identified by reference to the development plan together with surveys of the town centres of Littlehampton and Rustington undertaken by the applicant in April 2017, which assessed the following sites:

- * Former Waitrose, Avon Road, Littlehampton;
- * St Martin's Car Park, Littlehampton; and
- * Former Chandlers Car showroom, Ash Lane, Rustington

The accommodation in the former Waitrose store is arranged over two floors with approximately 1,760 square metres on the ground floor with 617 square metres at the first floor. The amount of available retail floor-space is 1,430 square metres smaller than that proposed by the Go Outdoors development. The retail assessment considered that even if the Waitrose site is assessed flexibly, Go Outdoors has a minimum floor-space requirement of 3,000 square metres, meaning that the unit is still some 623 square metres too small.

The retail assessment considered the St Martin's Car Park site was currently in active use as the main visitor car park serving the town centre and therefore was not available for the proposed development. The development of the site for a Go Outdoors store would require the retention of the car parking, which is likely to require the costly provision of multi-storey or under-croft car parking; and part of the site is in use by a third party as a tyre centre, so it is not considered available for development.

The former Chandlers Car showroom site is currently being developed in accordance with the planning permission (R/37/16/PL) for refurbishment and change of use from a ground floor car showroom and first floor flats to restaurant and cafes. The approved use extends to approximately 401 square metres. Consequently, the site is not available and is unsuitable for the proposed Go Outdoors development given that it is not of a sufficient size to accommodate the proposed retail warehouse unit.

The existing planning permission for bulky goods retail floor-space at Oldlands Farm to the north of Bognor Regis, close to the existing retail warehouses at Shripney Road is not available to the applicant and it is unclear what format this will take. The retail assessment considered that Oldlands Farm is no more sequentially preferable to the application site at Rustington Golf Centre in terms of its proximity and linkages to town centres.

The applicant engaged with the LPA at pre-application stage and agreed the basis of the retail assessment, focussing on Littlehampton and Rustington, consistent with the approach adopted by the LPA with respect to its assessment of comparable out of centre retail planning proposals. In relation to the sequential test, there is only one site in contention, the former Waitrose store in Littlehampton town centre.

The LPA accepts the applicant's claim that the former Waitrose store is not suitable for the proposed retail unit even when substantial flexibility is applied in relation to the size of the store; and that site has been subject of discussions relating to alternative residential led use. It is considered reasonable and necessary to impose a condition preventing the sub-division of the retail unit, to ensure the nature of the floor-space does not change. However, it is concluded that the sequential test is met.

RETAIL IMPACT

The NPPF requires out of centre retail proposals which do not benefit from a specific allocation in an up-

to-date Local Plan and that exceed 2,500 square metres floor-space to be tested in terms of their potential impact upon town centres to determine whether there would be any significant adverse effects.

The proposed development would have a catchment area typically extending to an approximately 20 minute drive time. This has regard to the proximity of the nearest Go Outdoors store at Southampton. For the purpose of assessing the trade draw and impact of the proposed development, the study area for the Council's Retail Study, 2013, updated in October 2016 - which forms the retail evidence base for the emerging Local Plan - has been utilised. The study period for the assessment of the proposed development has a start year of 2017 and a 'design' year of 2021, i.e. a four year period to enable planning permission to be granted, the scheme to be constructed and a period for the new store to adopt a regular trading pattern.

The proposed store is expected to have a turnover of £8.99M by 2021, based upon the assumption that 80% of the proposed floor-space would comprise the net sales area of the store (3,046 square metres net). This assumes an average sales density of £2,500 per square metre (2013) grown to £2,952 per square metre by 2021 which is comparable to that achieved by bulky goods retailers and is consistent with the sales density adopted by the Arun District Retail Study 2013, updated in 2016 and that adopted by others in respect of comparable retail proposals (e.g. bulky goods component of the Manor Retail Park).

The retail assessment concludes that the proposed retail development would not have a significant adverse effect upon either Littlehampton or Rustington town centres. Given the restricted ranges of goods which are proposed to be sold, the effect of Go Outdoors by itself on the town centres would be very limited, amounting at worst to 0.77% on Littlehampton and 0.53% on Rustington. The lack of direct comparables within Littlehampton and Rustington means that neither centre would experience significant levels of trade diversion which might be harmful to their overall vitality and viability.

The retail assessment was undertaken having full regard to recent relevant Court Judgements relating to retail development and the application of the sequential test including the need for such assessments to be conducted in a 'retailer blind' manner. There is nothing in the adopted or proposed replacement Local Plan which restricts the development of new retail development such as this outside the settlement boundary or indeed to the north of the A259.

It is considered that in terms of the retail impact, there is little likelihood of adverse impact on any town centre arising if the unit is occupied by Go Outdoors; as there are few shops selling that range of goods in the town centres of Littlehampton and Rustington.

BULKY GOODS

The retail assessment says: "In addition to the ranges of goods sold by Go Outdoors the applicant is also seeking a range of bulky comparison goods. The required ranges of goods would include DIY, furniture, floor coverings and electrical goods etc." The applicant submitted a bulky goods unit impact assessment (sensitivity assessment). The retail assessment claims that Littlehampton is under-served by specialist outdoor leisure retailers both in terms of in centre and out of centre provision; and the nearest existing Go Outdoors stores are located at Southampton and Basingstoke, some 73km and 88km away respectively.

Bulky goods are predominantly and commonly sold from out of centre locations rather than town centres; and there is an extensive array of out of centre retail warehouses within the locality. A bulky goods retailer would have a wide draw meaning that impacts would be dispersed and negligible upon town centres. Any impacts would occur on a like-for-like basis in the form of competition with comparable out of centre retailers. The levels of impact predicted to arise from Go Outdoors / a bulky goods retailer on town centres are not significant even when judged against reduced turnovers for town centres. The

majority of the cumulative impact predicted to arise on town centres is as a direct consequence of other approved retail schemes as opposed to the proposed retail development. The cumulative impact is made up of just 13% and 7% of the bulky goods retailer (under the 'high scenario') for the application site with respect to Littlehampton and Rustington, meaning that 83% and 93% of the cumulative impact is comprised of approved retail commitments.

There is a point where it would be unreasonable to refuse a planning application on the basis of cumulative impact when the application's contribution to the cumulative impact is small. It is clearly a matter of planning judgement but in this case the weight given to the cumulative impact should be limited by this consideration. However, it is considered that the proposed retail unit operating under a "bulky goods condition", which would restrict the use of the retail unit for non-food purposes thereby ensuring the unit cannot be operated as a foodstore is unlikely to have a significant adverse impact on either Littlehampton or Rustington centres.

CONCLUSION ON RETAIL MATTERS

Consequently, it is considered that the sequential test is met with respect to the proposed retail unit being occupied by either Go Outdoors or a bulky goods operator; and the retail impact is acceptable. The proposed development, subject to the imposition of 3 conditions relating to a restriction on the sale of bulky goods, prevention of sub-division of the retail unit and a mezzanine floor-space condition, complies with Policy DEV27 of the Arun District Local Plan and Policy RET DM1 of the modified emerging Local Plan.

DESIGN, LAYOUT, CHARACTER AND APPEARANCE

The NPPF indicates that good design should contribute positively to making places better for people. Policy GEN7 of the ALP says: "planning permission will only be granted for schemes displaying high quality design and layout". Policy D SP1 of the eALP requires "all development proposals should be of good quality and demonstrate a high standard of design". Policy D DM1 of the modified eALP requires proposed developments to "make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding areas, in terms of its scale massing, aspect, siting, layout, density, building materials (colour, texture), landscaping and design features".

There are constraints on the site that affect the proposed layout of the retail development. An existing 12 inch gas main runs inside the southern boundary of the application site and there is a 10 metre easement which applies to the main. There are existing electricity pylons and overhead power lines which pass through the application site. The applicant has been in discussions with UK Power Networks regarding the distance of the proposed retail unit and the tree planting in the vicinity of the pylons and power lines. The proposed retail building cannot be positioned safely too near to the overhead power lines so this space has been utilised for car parking. The car parking in this location means that it would be screened from the A259 by the proposed retail building and the approved trampoline building. The proposed staff car parking and refuse enclosure would also be screened by the existing and proposed planting.

The proposed retail building would be located next to and copy the design of the approved trampoline building and be aligned facing the existing leisure buildings at Rustington Golf Centre including Virgin Active and the Out of Bounds Centre. The reasoning is to maintain a landscape gap between the settlements. The location and siting of the retail building and the buildings approved under A/77/16/PL have been carefully considered. The development is proposed on an underused 3 hole golf academy. The site has overhead pylons and overhead lines, to the south side of the existing car park.

As the retail building would be part of a cluster of buildings to the south of the existing buildings it would allow the tall Monterey pine screen to be retained. This not only provides a significant screen between the development proposals and the residential properties to the east but maintains a buffer that comprises the pine tree screen and the existing 9 hole pitch & putt course. To move the retail building

north would provide a far greater intrusion of built development in to the 'countryside'. The A259 is now a built-up corridor of development and the cluster of buildings of which the retail building would be part are designed to be low rise, flat roofed structures to the north of an existing landscaped tree screen. The proposed development also provides further landscaping between the A259 and the Golf Centre.

The design of retail building is contemporary, comprising a flat roofed block, measuring 7.5 metres high, which is clad in vertical timber with large glazing panels. The design is complimentary to the existing built development and ensures the proposal is not dominant in the surrounding golf course setting.

Consequently, it is considered that the proposed development at Rustington Golf Centre complies with Policy GEN7 of the ALP and Policies D DM1, D SP1 and QE SP1 of the eALP as it provides for a high quality design and layout.

FLOODING & DRAINAGE

Policies GEN23, GEN25 and GEN26 of the ALP require the protection of the water environment; and the NPPF requires that development does not give rise to an unacceptable risk of flooding detrimental to human health or property. Policy W DM2 of the modified eALP requires the submission of a site specific Flood Risk Assessment (FRA) which demonstrates that the development will be safe without increasing flood risk elsewhere and reduce flood risk overall; consider flood flow routing and utilise temporary storage areas.

The applicant has submitted a Flood Risk Assessment (FRA), which incorporates a Drainage Statement, with the planning application which identifies that the site lies within Flood Zone 1 (low risk). The FRA covers the area comprising the approved development (planning permission A/77/16/PL) for a pub/restaurant, 60-bed hotel, trampoline centre, creche, forest adventure kiosk and nursery, together with a service road and staff car park; which includes the site of the current planning application for a retail unit and car park (A/84/17/PL).

The flood risk to the site from tidal, pluvial, groundwater, artificial sources and sewers is assessed as either low or zero. The proposed development would result in an increase in impermeable area and a SuDS based surface water drainage strategy has been prepared that makes use of infiltration, with no run-off discharge off site. The applicant is proposing infiltration cellular storage under the main car park, draining the run-off from two-thirds of the roof area of the retail unit and the car park (A/84/17/PL); together with the roof of the already approved bar/restaurant, hotel and the trampoline building. Two infiltration cellular storage areas are proposed under the staff car park and the grassed area to the south of the proposed retail unit, collecting and draining the run-off from the service road and one-third of the roof area of the proposed retail unit.

As a result of the proposed SuDS measures, the proposed development would not increase flood risk on or off the site and there are no residual flood risk issues - taking into account the impact of climate change - that would exclude the proposed retail development. It is considered that the proposed development complies with Policy W DM2 of the modified eALP regarding appropriate flood mitigation works and Policies GEN11, GEN23, GEN25 and GEN26 of the ALP.

GEN9 of the ALP deals with foul and surface water drainage: development which will materially increase foul and/or surface water discharges will be refused unless the LPA is satisfied that either adequate drainage capacity exists or appropriate drainage capacity can be provided as part of the development. Foul water drainage flows would discharge to the existing gravity foul water sewer to the north-east of the car park, with subsequent connection to the existing pumping station. Connections to existing sewers would require agreement from Southern Water. It is considered that subject to the surface water and foul drainage condition requested by Southern Water, the proposed development complies with Policy GEN9 of the ALP, Policy W DM1 of the modified eALP and Policy EH3 of the ANP.

HIGHWAYS AND TRANSPORT

Policy DEV27(ii) of the ALP says: "that planning permission will be granted for proposals for food and non-food retail provided that the site is accessible from the highway network." Policy T SP1 of the modified eALP says that "to ensure that growth in the District strengthens Arun's economic base, reduces congestion, works to tackle climate change and promotes healthy lifestyles; the Council will ensure that development: provides safe access on to the highway network; contributes to highway improvements and promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network".

Transport Assessment

The applicant has submitted a Transport Assessment as required by Policy T SP1(e) of the modified eALP. The application site is accessed off the A259 / Mill Lane roundabout. The A259 is a dual carriageway with a 50 mph speed limit in the vicinity of the site. Mill Lane, located to the south of the site is a two way carriageway with a single lane in each direction; providing access towards Brookside Business Park and residential areas. Mill Lane connects Ash Lane to the south which provides access to Littlehampton and the south coast.

The Transport Assessment included information on trip generation and traffic flows. It is estimated that there would be 53 vehicles in and 56 vehicles out totalling 109 vehicle movements during the weekday evening peak (i.e. 5.00pm - 6.00pm); and 119 vehicles in and 115 vehicles out totalling 234 vehicle movements during the Saturday peak (i.e. 11.45am - 12.45pm). The net change of anticipated vehicular trips associated with the proposed retail scheme when compared to the previously approved scheme for 9 five-a-side football pitches demonstrates there would be a net increase of 38 two way vehicle trips on a weekday and 183 on a Saturday. The proposed development is not expected to have a detrimental effect on the surrounding road network.

A259 / Mill Lane Junction

The results of the traffic modelling assessment indicates that during the '2021 baseline scenario' the A259 / Mill Lane roundabout operates over the theoretical capacity. It is proposed in the Transport Assessment to provide an additional lane on the Golfers Lane approach arm to improve the overall operating capacity of the roundabout during the '2021 with development' scenario such that it operates within theoretical capacity.

Internal service road

The provision of the proposed new service road to the rear of the retail unit would ensure that all refuse collection / servicing manoeuvres could be suitably accommodated on site.

Access to the retail unit would be provided along Golfers Lane - the existing access road - and the applicant is proposing to develop a new mini-roundabout within the existing car park; and to widen and re-align Golfers Lane near to the roundabout with the A259 / Mill Lane. The Local Highway Authority has no objections to the alignment of the existing access into and from the Golf Centre.

In highway terms the proposal complies with Policy GEN7 of the ALP, Policy DEV27(ii) of the ALP and Policy TM1 of the ANP.

Parking Provision

Policy GEN12 of the ALP seeks to ensure that appropriate parking provision is made within the new retail development at Rustington Golf Centre. Policy DEV27(iv) of the ALP says "that planning permission will be granted for proposals for food and non-food retail provided that there is provision for access for people with disabilities".

The applicant is proposing to provide 278 parking spaces which includes 15 accessible spaces and 3 mini bus spaces, to serve the approved leisure development (A/77/16/PL) and the proposed retail unit. The overall development also includes the provision of 3 lorry bays. There is already an existing 345 space car park serving the Golf Centre, the Virgin Active Health Club and Out of Bounds (leisure facility). The applicant has carried out an empirical analysis of the parking demand generated by the proposed uses of the site based on the TRICS database. The TRICS database contains survey information of comparable land uses and the forecast parking demand generated would be representative of what would occur in comparison to what is established by the standards as set out in the West Sussex County Council maximum parking guidance, which says a maximum of 481 spaces. It is considered that the proposed parking provision of 278 spaces would sufficiently accommodate the parking demand generated by the proposed development and comply with the Council's maximum parking standards; with ample spare capacity for any overspill parking to be accommodated within the existing car park facility. The site currently has 345 car parking spaces and this will increase by a further 278, (623 total). The Local Highway Authority is satisfied with the level of parking.

In terms of cycle spaces, the proposed development includes the provision of 36 secure on-site cycling spaces accommodated within two secure structures, which exceeds the parking standards requirement of 1 cycle space per 8 car parking spaces; and is therefore acceptable.

Consequently, the proposed parking provision would be in accordance with Policy GEN12 of the ALP, Policy DEV27(iv) of the ALP and Policy T SP1 of the modified eALP.

Pedestrians and Cyclists

Policy GEN15 of the ALP says: "Where appropriate, new development will be required to provide safe and attractive facilities for cyclists and pedestrians, both within the site and in the form of links to the surrounding area". Policy DEV27(iii) of the ALP says: "that planning permission will be granted for proposals for food and non-food retail provided that there is provision for access by cycle and on foot". Policy T SP1 of the modified eALP says: "The Council will support transport and development which gives priority to pedestrian and cycle movements".

As part of the planning permission (A/77/16/PL) for the hotel and associated developments a shared use cycle and pedestrian pavement has been approved which would extend westwards to provide access to the site for pedestrians and cyclists. A new 2.0 metre wide footway is being proposed along Golfers Lane, which would provide a connection to the proposed footway extension along the northern side of the A259 which formed part of the previous planning permission (A/77/16/PL).

The proposed development (A/84/17/PL) would not require an amendment to the Section 106 Agreement which accompanied the leisure development at Rustington Golf Centre (A/77/16/PL) covering the provision of the off-site footpath / cycle path. However, a condition is recommended whereby "prior to first occupation of the retail unit the vehicular, cycle and pedestrian access modifications approved under planning permission A/77/16/PL must be constructed in accordance with the approved planning drawing".

There is a dual pedestrian / cycle route along the southern side of New Road, between its junctions with Mill Lane and Station Road, which links Mill Lane and Rustington Retail Park; and toucan crossing facilities are provided at the signalised junction of New Road and Rustington Retail Park. The approved developments (A/125/13 and A/23/15), that are located opposite the application site, include the provision of a shared footway / cycleway along the southern side of the A259 and both the western and eastern sides of Mill Lane, which will link to the existing footway / cycleway off Mill Lane. This footway / cycleway will provide access to residential areas to the south and Rustington Retail Park to the east via Mill Lane. A new puffin traffic signal controlled crossing on Mill Lane also forms part of planning permission (A/125/13).

Consequently, the proposed cycleway and footway proposals are acceptable and the proposed development is in accordance with Policy GEN15 of the ALP, Policy DEV27(iii) of the ALP, Policy T SP1, Policy T DM1 of the modified eALP and Policy TM2 of the ANP.

Public Transport

Policy T SP1(a) of the modified eALP says: "The Council will support transport and development which is designed to reduce the need to travel by car by identifying opportunities to improve access to public transport services and passenger transport services".

There are bus stops at Rustington Retail Park, 700 metres to the south east of the application site and bus stops located on Mill Lane approximately 900 metres south of the site. Bus service 12 (Sainsbury's - Rustington - Littlehampton - Wick - Tesco) which runs every hour and Service 602 (Rustington - St Philip Howard School) which runs at 7.41am and 3.56pm on weekdays are available from these bus stops. Provision is made in planning permission A/125/13 for a bus layby and shelter within approximately 500 metres of the application site; the layby and shelter await implementation. Angmering railway station is located approximately 1.3 kilometres to the south-east of the application site; served by trains 5 times per hour to London Victoria, 4 times per hour to Brighton, 2 times per hour to Portsmouth, Southampton and Littlehampton.

Consequently, it is considered that the proposed development is accessible by public transport and it complies with Policy GEN14 of the ALP, Policy DEV27(ii) of the ALP and Policy T SP1(a) of the modified eALP.

Travel Plan

The applicant has submitted a Travel Plan which includes the following actions: install cycle parking spaces; liaise with car club operators; appoint a Travel Plan co-ordinator; include Travel Plan information in sales materials; produce Travel Packs; install notice boards and display travel information; investigate discounts for employees at a local cycle retailer; carry out travel surveys; organise annual sustainable travel events; promote car sharing schemes and car clubs; promote the health benefits of walking and cycling; promote cycle training events; monitor the use of on-site cycle parking and car parking; and review the Travel Plan.

The Travel Plan would be implemented by means of a condition. The proposed development complies with Policy GEN14 and GEN15 of the ALP and Policy T SP1 of the modified eALP.

ECOLOGY

Policy ENV DM5 of the modified eALP says that "development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site".

A Baseline Ecological Site Audit was submitted with the planning application which assessed the site as an intensively managed golf course with species-poor amenity grassland. The northern boundary contains an evergreen ornamental hedge, with several poplar trees off-site to the west. Many of the existing trees and shrubs are incorporated in to the design. The eastern boundary consists of a narrow woodland of mature Monterey Pines that divide the site from the remainder of the golf course, which are likely to provide shelter for birds and small mammals. The ground flora here has a very low species diversity although there are several log piles. The Audit recommends avoiding unnecessary negative impacts of new lighting at night which could affect bats, by minimising the hours when lighting is used; avoiding spillage by using directional down-lighting and reducing brightness. The habitat could be enhanced by the planting of native woody species along the southern fence to create a hedgerow; which would also provide linkage between the trees to the west of the site and the pine trees just beyond the eastern boundary.

It is recommended that a condition be imposed for the submission of a lighting scheme including the hours of lighting for the car park to ensure there is no adverse impact on the ecology of the area. Consequently, the proposed development complies with Policy ENV DM5 of the modified eALP, as the development would ensure there would be a net gain in biodiversity and existing habitats will be protected.

TREES

Policy ENV DM4 of the modified eALP requires developers to provide land and tree surveys (d), a tree constraints plan (e) and an Arboricultural Impact Assessment (AIA) to include a tree protection plan and Arboricultural Method Statement (f), which will ensure that development is planned to take a comprehensive view of tree issues at an early stage in the design process and that development works do not have a negative impact on existing trees.

The applicant has submitted a Tree Survey and Arboricultural Impact Assessment with the planning application. The proposed siting and alignment of the retail building does not encroach within the root protection areas of any trees that are to be retained. Consequently, no specialist foundation designs or construction techniques would be required to prevent damage to tree roots. Subject to planning permission, the AIA recommends that a detailed Arboricultural Method Statement and Tree Protection Plan should be provided; which would include fencing type, project phasing and an auditable monitoring schedule.

The intention is to retain the existing trees on site including the mature Monterey Pine trees in a narrow belt which separate the current Three Hole Golf Teaching Academy from the 9 hole pitch and putt course; and the trees along the southern boundary with the A259. The proposed retail development and the approved leisure development require the loss of 3 groups of trees located on the Three Hole Golf Teaching Academy. To the south the site was cleared of trees but the intention is to maintain the parkland setting around the proposed retail development, the approved leisure development and the golf course.

The ADC Greenspace Team is satisfied that Tree Protection Plan shows adequate protection for the trees which are retained; and that the proposed tree removals and retentions are acceptable. The existing vegetation to the eastern and southern boundaries is established and must be protected and retained. The submitted tree retention and protection plan indicates the tree protection measures to be taken. It is recommended that a tree protection condition be imposed. Before construction this tree protection scheme must be in place for all retained trees including trees whose root protection areas fall within the construction zone.

Consequently, the proposed development complies with Policy ENV DM4(d), (e) and (f) of the modified eALP.

LANDSCAPING

The proposed development is to be constructed on the Three Hole Golf Teaching Academy which has tees, greens, bunkers and three areas of trees which will be removed as part of the proposal. There has been no objections from Greenspace to the removal of the three groups of trees.

The applicant is proposing a hard surfaced 'square' between the approved trampoline building and the proposed retail unit into the 'square' where the bar / cafe of the trampoline building can spill out.

It is recommended that a condition be imposed that requires the submission of a detailed landscaping scheme that will maximize the biodiversity of the site in its semi-rural setting with the inclusion of mixed ornamental and native species for the retention of a variety of habitats. This will need to include

mitigation planting for removed vegetation and additional planting would be required to provide screening and soften what is presently a green area. This is required in order to encourage the proposals to fit within the setting.

Consequently, subject to the imposition of conditions, the proposed landscaping for the site is in accordance with Policy GI SP1 of the modified eALP.

RESIDENTIAL AMENITY

Arun District Local Plan Policy GEN7 indicates planning permission will only be permitted if it takes into account impact on adjoining occupiers, land, use or property. The NPPF states that new development should contribute positively to making places better for people. These guiding principles are also contained in the Angmering NDP.

The nearest residential properties to the site are over 20 metres away and the proposed retail development is not considered to result in any adverse impacts on the nearest residential properties by way of light pollution, noise or air quality. The proposed layout for the site would likely ensure that there would be no undue harm to the residents to the east of the golf centre and the retention of trees and the addition of further planting on the boundary would reduce the impact on the site location to the north of Rustington and west of Ham Manor Estate. It is considered that the proposed development complies with Policy GEN7 of the ALP and the NPPF.

LIGHT / NOISE POLLUTION

Policy GEN33 of the ALP and Policy QE DM2 of the modified eALP emphasise the need to consider the impact of light on neighbouring uses and wider landscape, particularly with regard the South Downs International Dark Sky Reserve designation, light levels should be the minimum required for security and working purposes, and minimise potential glare and spillage.

The site already has car park lighting but there will be additional requirements for the proposed car parking layout. The applicant is proposing to install lighting in the new car park which will be similar to the existing car park and comprise of columns and lights on timers. The retail unit may also have additional local amenity lighting or security lighting. It is therefore considered that this lighting would not have any impact on neighbouring amenity. No objections have been raised on noise grounds from the Environmental Health Officer.

Consequently, it is considered that the proposed development complies with Policies GEN32 and GEN33 of the ALP and Policies QE DM1 and QE DM2(a) to (d) of the modified eALP.

SUMMARY

The application site at Rustington Golf Centre is already in commercial leisure use.

The proposed retail unit would be accommodated in a building within a complex of buildings and complimentary leisure uses which already have planning permission (A/77/16/PL), which was granted in January 2017. This retail development (A/84/17/PL) and the approved leisure development (A/77/16/PL) at Rustington Golf Centre are not expanding into the rural area, but are to be sited between the existing built development and the A259 to the south of the Golf Centre.

The A259 corridor is beyond the built-up area boundary in both the existing Local Plan and the modified emerging Local Plan. The highway corridor includes a series of approved developments - BMW/Mini showroom, Manor Retail Park (Next/Aldi and one other retail unit). The proposed retail development has also been found to be acceptable in terms of countryside policies.

The application site is immediately to the north and will be a low height, flat roof contemporary building

which would mirror the buildings already approved as part of the leisure development (A/77/16/PL) on the site of the existing Three Hole Golf Teaching Academy, with timber cladding and will be part of a cluster of buildings to the south of the Rustington Golf Centre car park.

The planning application (A/84/17/PL) was accompanied by an impact assessment, and additional information has been submitted by the applicant regarding the retail impact and the sequential assessment of sites within Littlehampton and Rustington.

The LPA has assessed the retail assessment and the additional information provided by the applicant and it is considered that there is no available or viable alternative site and that the retail impact on the neighbouring town centres is acceptable and accords with retail policy.

The application site has significant existing landscaping and a condition is recommended for additional landscaping that would enclose the development, but at the same time enable glimpses into the site.

The application is therefore recommended for approval, subject to the following conditions.

HUMAN RIGHTS ACT

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

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

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

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

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:

- * Drawing Number 16-160022-PL41 - Location Plan
- * Drawing Number 5202-D Rev. C - Proposed Site Plan
- * Drawing Number 16-160022-PL36 Rev. C - Site Layout Indicating Proposed Retail Unit
- * Drawing Number 16-160022-PL34 Rev. A - Retail Unit Proposed Ground Floor Plan
- * Drawing Number 16-160022-PL35 Rev. A - Retail Unit Proposed Mezzanine Floor Plan
- * Drawing Number 16-160022-PL38 - Retail Unit Elevations
- * Drawing Number 16-160022-PL37 - Retail Unit Roof Plan
- * Drawing Number 16-160022-PL40 - Street Scene Elevations
- * Drawing Number 16-160022-PL39 - Cycle Storage Building

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

- 3 The use of the retail unit hereby permitted shall be restricted to the sale of the following goods and shall be used for no other purpose within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987. The goods permitted to be sold are: DIY, building and garden supplies, carpets and floor coverings, furniture, furnishings and homewares, motoring and cycling goods and accessories, electrical goods and related ancillary ranges, tents, camping, caravanning and outdoor leisure activity equipment and accessories and an associated ancillary outdoor clothing and footwear range equating to not more than 20 % of the retail floorspace of the unit.

Reason: To restrict the range of goods sold at the retail unit hereby approved, in accordance with Policies GEN7 and DEV27 of the Arun District Local Plan.

- 4 Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 (or any others revoking and re-enacting this provision with or without modification), the retail unit hereby permitted shall not be sub-divided to enable occupation of the unit by more than one retailer.

Reason: To prohibit the sub-division of the retail unit hereby approved, in accordance with Policies GEN7 and DEV27 of the Arun District Local Plan.

- 5 Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 (or any others revoking and re-enacting this provision with or without modification), no additional internal floor-space shall be created in excess of that area expressly authorised by this permission.

Reason: To ensure no additional floor-space is created in the retail unit hereby approved, in accordance with Policies GEN7 and DEV27 of the Arun District Local Plan.

- 6 The opening hours for the retail unit hereby approved shall be restricted to:
9am - 8pm Monday to Friday
9am - 6pm Saturday and Bank Holidays
9am - 6pm Sunday (but limited to a 6 hour trading period thereby giving the store flexibility to trade say 10am-4pm or 11am-5pm etc)

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

- 7 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.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: This is required to be a pre-commencement condition because it is necessary to ensure that the development can be satisfactorily drained prior to commencing any building works. To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 8 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 detailed landscaping scheme will maximize the biodiversity of the site in its semi-rural setting with the inclusion of mixed ornamental and native species for the retention of a variety of habitats. The landscape proposals will need to be shown in plan form detailing species choice, planting densities and size at time of planting. This will need to include mitigation planting for removed vegetation and additional planting would be required to provide screening and soften what is presently a green area. This is particularly required in order to encourage the proposals to fit within the setting. 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: This is required to be a pre-commencement condition because it is necessary to ensure the site is landscaped effectively. In the interests of amenity and of the environment of the development in accordance with Policy GEN7 of the Arun District Local Plan.

- 9 No development including site access, demolition or associated construction activities, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on the site have been protected by a fence in accordance with BS5837 (2012) and Section 9, to be approved by the Local Planning Authority for erection around each tree, group of trees and vegetation to a distance of 15 metres or to the Root Protection Area (RPA) as calculated in accordance with Table 2 of BS5837 (2012) to be agreed in writing by the Local Planning Authority. Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of top soil unless agreed by the Local Planning authority. There must be no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without prior written approval of the Local Planning Authority.

No trenching should occur within the protective fencing surrounding the Root Protection Area. If however there is no alternative but to locate the services then its encroachment into the Root Protection Area must be kept to a minimum and where the roots should be exposed using compressed air technology, such as the air spade to reduce damage caused by

mechanical methods. If roots requiring severance to allow for the passage of services is necessary then an arboriculturist would be required to assess and determine whether the loss of the roots would be detrimental to the continued health and stability of the affected tree.

Reason: This is required to be a pre-commencement condition because it is necessary to protect trees, bushes and hedges to be retained prior to commencing any building works. To ensure the retention and maintenance of trees and vegetation which is an important feature of the area, in accordance with policy GEN7 of the Arun District Local Plan.

- 10 Prior to first occupation of the retail unit hereby approved the vehicular, cycle and pedestrian access modifications, approved under planning permission A/77/16/PL must be constructed in accordance with the approved planning drawing.

Reason: In the interests of road safety, in accordance with Policies GEN7 and GEN15 of the Arun District Local Plan.

- 11 Upon the opening of the retail unit hereby approved, the applicant shall implement the approved Travel Plan and deliver the measured in line with the timetable of implementation set out in the Travel Plan. The applicant shall thereafter monitor, report and subsequently revise the Travel Plan as specified within the approved document.

Reason: To encourage and promote sustainable transport, in accordance with Policy GEN7 of the Arun District Local Plan.

- 12 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,
- the anticipated number, frequency and types of vehicles used during construction,
 - the method of access and routing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - details of public engagement both prior to and during construction works.

Reason: This is required to be a pre-commencement condition because it is necessary to ensure that measures are in place to manage the construction works and construction traffic prior to commencing any building works. In the interests of highway safety and the amenities of the area, in accordance with Policy GEN7 of the Arun District Local Plan.

- 13 No part of the development shall be first occupied until the covered and secure cycle parking spaces have been provided in accordance with Drawing Number 16-160022-PL39 - Cycle Storage Building.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies, in accordance with Policies GEN7 and GEN15 of the Arun District Local Plan.

- 14 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all

times for their designated purpose.

Reason: To provide car-parking space for the use, in accordance with Policy GEN7 of the Arun District Local Plan.

- 15 No development or tree planting should be located with 4.5 metres either side of the public sewer; no new soakaways, swales or ponds should be located with 5.0 metres of the public sewer; all existing infrastructure should be protected during the course of construction works.

Reason: To protect Southern Water infrastructure, in accordance with Policy GEN7 of the Arun District Local Plan.

- 16 Prior to commencement the applicant must advise the Local Planning Authority, in consultation with Southern Water, of the measures which will be undertaken to protect the public sewers.

Reason: This is required to be a pre-commencement condition because it is necessary to have measures in place to protect the public sewers prior to commencing any building works. To ensure that the proposed development is drained in accordance with policies GEN7 and GEN9 of the Arun District Local Plan and in the interests of protecting Southern Water Drainage infrastructure.

- 17 The development shall not commence until full details of the proposed foul water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. (Including details of its routing, design, and subsequent management / maintenance). No building shall be occupied until the foul water drainage scheme has been implemented in accordance with the approved details and the details so approved shall be retained in good working order in perpetuity.

Reason: This is required to be a pre-commencement condition because it is necessary to ensure that the development can be satisfactorily drained prior to commencing any building works. To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 18 Prior to commencement a detailed lighting scheme, including the hours of lighting, for the car parking areas will be submitted to, and approved in writing by the Local Planning Authority.

Reason: This is required to be a pre-commencement condition because it is necessary to ensure that the car parking areas are illuminated effectively. To ensure there is no impact upon highway safety or the ecology of the area, in accordance with Policy GEN7 of the Arun District Local Plan.

- 19 INFORMATIVE: A formal application to requisition water infrastructure is required in order to service this development. Please consult Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (0330 303 0119) or WWW.SOUTHERNWATER.CO.UK.

- 20 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel. 0330 303 0119) or www.southernwater.co.uk

- 21 INFORMATIVE: The applicant may wish to divert the public rising main. In this case, Southern Water requests a formal application for a Southern Water sewer diversion under S185 of the Water Industry Act 1991 in order to divert the critical public sewer. For further advice, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel. 0330 303 0119) or www.southernwater.co.uk

- 22 INFORMATIVE: Dues to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a new sewer now deemed to be public could be crossing the site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel. 0330 303 0119) or www.southernwater.co.uk
- 23 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. 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.