

Recommendation Report for Planning Permission

REF NO: BE/126/19/PL

LOCATION: Land at Phase 1A
Oldlands Farm
Shripney Road
Bognor Regis

PROPOSAL: Erection of a 1410 square metres discount convenience retail food store (Use Class A1) & parking, landscaping & other associated works.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Full planning permission is sought for the erection of a 1410 square metres discount convenience retail food store (Use Class A1) & parking, landscaping & other associated works.

The operator of the discount food store is confirmed as Lidl, and the net sales area for the store is 1,410 sq. m, of which 1,128 sq. m (80% of the net floor space) will be for convenience goods sales. A figure of 282 sq. m (20% of the net floor space) will be for comparison goods sales.

To the south of the food store is a 630 sq.m drainage attenuation balancing pond which is enclosed by proposed fencing.

The total net sales of the proposed discount foodstore is a 85 sq. m greater than that already approved under Section 73 application BE/114/17/PL.

Vehicular customer access to the site will be taken from the existing junction off the internal estate road from the A29/A259 roundabout junction. The car park, which is contiguous with the store, will provide parking for a total of 149 customers, including 10 disabled parking spaces, 11 parent and child spaces and two electric vehicle charging spaces in front of the Lidl store. Cycle parking is also located along the side elevation of the store adjacent to the estate road.

A separate delivery vehicle access is proposed further along the existing estate road which will enable delivery vehicles to drive into food store's service yard and reverse into the docking leveller bay which is located to the east of the store.

The site currently benefits from a hybrid planning permission (Ref: BE/61/13) for "1: Full planning application for Access road and Flood compensation area. 2: Outline planning

application for 33,116 sq. m of mixed commercial and industrial uses, comprising A1, A3, A5, B1, B2 and B8, with associated works and landscaping", which was granted in March 2014. Furthermore, the applicant submitted a Section 73 application (s.73) (Ref. BE/114/17/PL) to vary Conditions 4 (Quantum of Floorspace), 43 (Number of non bulky food goods units) and 47 (Sale of Goods) imposed under the outline element of the hybrid planning permission BE/61/13 which was approved on 14 February 2018. Condition 1 of BE/114/17/PL specifically allows for 1,325 sq.m of 'discount convenience retail' floorspace (net sales area) within Phase 1.

In March 2017 a subsequent Reserved Matters (Ref. BE/4/17/RES) approval was approved for the appearance, landscaping, layout and scale together with the masterplan, parameter plans and Design Code. The approved development included two car showrooms, one large retail unit for A1 Bulky Goods and three smaller units for B8 Warehouse and Distribution use with ancillary trade counter. All relevant pre-commencement conditions have been discharged in relation to both the outline element of planning application BE/61/13 and reserved matters application BE/4/17.

This application is submitted in full, as the siting of the proposed food store is different to that previously approved

SITE AREA

22,392 sq m

RESIDENTIAL DEVELOPMENT

N/A

DENSITY

TOPOGRAPHY

The topography of the site consists of 0.5 m to 1.1 m of made ground underlain by river and marine deposits with a chalk base at depths between 2.7m and 15m below ground level. The site slopes gently from west to east. The newly constructed Bognor Regis Relief Road (BRNRR) sits adjacent to the site to the north on a raised level to the application site.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

The north and west of the proposed development site is currently contained by wire fences which border the BRNRR. Beyond this lies the boundary of the Bognor Regis Northern Relief Road (BRNRR), which is raised above the site. Just beyond the eastern boundary lies a railway line which sits on a slightly higher level, this is bordered by a tree and scrub belt. The former LEC airfield lies further to the east and contains a number of trees, comprising an area of biodiversity opportunity set on relatively flat land. The southern boundary of the site follows the line of the recent Rolls Royce manufacturing development which includes a number of large, modern manufacturing buildings.

SITE CHARACTERISTICS

The site is located within Arun District on the northern periphery of Bognor Regis and within the built up boundary of

the town. It is roughly rectangular in shape and is situated to the south of Bognor Regis Northern Relief Road (BRNRR) and the east of Shripney Road (A29).

Oldlands is a key employment site with large employers such as Rolls Royce nearby.

The site is clear and has been brought up to the required level as a result of previously cut and fill earth works required as a result of the nearby Flood Compensation Area, with heras fencing around the perimeter. Formerly, the site consisted of open arable farmland. There are no existing buildings on the site.

The influence of the site upon the wider character area is restricted through the low lying topography and limited intervening vegetation. The site is predominantly experienced from the A29, the A259 and the adjacent Rolls Royce buildings, where it is viewed in the context of the urban fringe of Bognor Regis.

There are no physical, visual, historical or cultural links with any Protected Landscapes, Scheduled Ancient Monuments, Listed Buildings, Conservation Areas or Historic Parks and Gardens.

The site access is from the recently constructed A29 Shripney Road / Rowan Way roundabout which lies at the western end of the Bognor Regis Northern Relief Road (BRNRR). The A29 dual carriageway runs north to Shripney, Westergate, Barnham and the A27, and south providing access to Bognor Regis Town Centre.

CHARACTER OF LOCALITY

The site is located within the South Coast Plain, a broad swathe of low lying land that is crossed by meandering rivers.

Immediately to the north of the site is the BRNRR. The BRNRR arcs northeast and crosses the railway track, segregating the site from the fields to the north. The area to the north of the BRNRR and south of Shripney village forms part of the Flood Compensation Area identified by Arun District Council.

The open arable fields of Oldlands Farm continue north, towards the eastern outskirts of Shripney village, approximately 0.5km northwest of the site and straddle the A29.

Further north are the villages of Woodgate (2.3km), Westergate (3.7km), Eastergate (3.8km) and Barnham (3.2km).

Immediately to the south-east of the site are two industrial / warehouse units that are occupied by Rolls Royce Technology and Logistics Centre and were delivered as part of the wider Hybrid planning permission. These buildings lie adjacent to the Barnham/Bognor Regis railway line to the east. Immediately beyond the railway line is open farmland, the former LEC airfield and Lidsey Rife network, which is allocated as a Strategic Employment site and Biodiversity Opportunity Area.

The remainder of open land towards the village of Felpham (1.2km) includes Bognor Regis Golf Course, smaller fields and school playing fields.

The western perimeter of the site is contained by the A29; beyond this the site is a continuation of arable land allocated for Strategic Employment use that is bounded by the A29 Shripney Road. The north-western corner of the site is bound by the BRNRR.

Beyond the A29 is touring caravan park and existing open space.

To the south lies a track which serves the Oldlands Farm buildings which are partially derelict, and adjacent No1 and No2 Oldland Cottages all of which lie within the applicants control. Beyond this is the Southern Cross Industrial Estate containing large industrial warehouses, buildings, offices and a fast food restaurant.

Beyond the Southern Cross Industrial Estate the railway crosses in a diagonal direction northwest to southwest, acting as a definite boundary between industrial development of Bognor Regis and open farm land to the east.

South west of the A29/Rowan Way roundabout is the Bognor Regis Retail Park, that consists of several retail units, fast food restaurants and car parking.

Within the wider area south of the site includes South Bersted Industrial Estate, residential development of Whitfield Close and Bognor Regis railway station.

RELEVANT SITE HISTORY		
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AL/44/18/RES	Application for all reserved matters following outline consent AL/58/15/OUT (Hybrid Application) for up to 20,453 sqm of B2 general industrial floorspace together with B8 warehousing & distribution floorspace (as amended by subsequent Variation of Conditions 11, 12 & 37).	ApproveConditionally 13-12-18
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BE/114/17/PL	Variation of conditions 4-quantum of floorspace, 43-number of non food bulky goods units & 47-sale of goods imposed under BE/61/13/ (outline).	ApproveConditionally 14-02-18
BE/4/17/RES	Approval of reserved matters following outline consent BE/61/13/ (Hybrid application Part 2) for appearance, landscaping, layout & scale together with the discharge of condition 5 for indicative masterplan & 6 for parameter plan & design code.	ApproveConditionally 21-03-17
AL/58/15/OUT	Hybrid Application 1: Full planning application for earth works to facilitate flood compensation area & 2-Outline application (all matters reserved) for up to 20,453 sq m of B2 General Industrial Floorspace together with B8 warehousing & distribution floorspace.	App Cond with S106 20-04-16
BE/73/14/PL	Erection of 2 No. detached industrial/distribution units (B1(c)/B2/B8) including access & servicing arrangements, car parking, landscaping & associated flood compensation area. This application is a departure from the development plan. This application also lies within the parish of Aldingbourne	ApproveConditionally 28-08-14
BE/61/13/	HYBRID APPLICATION. 1: Full planning application for Access and road and Flood compensation area. 2: Outline application for 33116 sq m of mixed commercial and industrial uses, comprising A1, A3, A5, B1, B2and B8, with associated works and landscaping.	ApproveConditionally 19-03-14

AL/44/18/RES- Application for all reserved matters following outline consent AL/58/15/OUT (Hybrid Application) for up to 20,453 sqm of B2 general industrial floorspace together with B8 warehousing & distribution floorspace (as amended by subsequent Variation of Conditions 11, 12 & 37).

BE/114/17/PL- Approval of variation of conditions 4 (quantum or floorspace), 43 (number of non food bulky goods units) and 47 (sale of goods) imposed under BE/61/13/ (outline) to allow the creation of 1,325 square metres of Discount Convenience Retail as part of the overall quantum of development permitted under Phase 1A.

BE/4/17/RES- Approval of reserved matters following outline consent BE/61/13/ (Hybrid application Part 2) for appearance, landscaping, layout & scale together with the discharge of condition 5 for indicative masterplan & 6 for parameter plan & design code.

The site was granted permission under BE/61/13/ which was a hybrid application. It included full permission for the access and road and flood compensation area and outline permission for 33,116 sqm of mixed commercial and industrial uses comprising A1, A3, A5, B1, B2 and B8. The matters reserved were Layout, Scale, Appearance and Landscaping of the site.

ON THE BROADER SITE

Of relevance, is Full planning permission (Ref: BE/73/14/PL) which was granted in August 2014 for two detached industrial/distribution units on land broadly consistent with phases 1B and 1C (as annotated on the phasing plan of the hybrid planning application). It is understood that the amount of floorspace consented by this permission is circa 38,000 sq. m (GIA) for use classes B1(c), B2 and B8.

Planning application AL/57/16/PL sought to vary conditions 11, 12 and 37 of planning approval AL/58/15/OUT. Condition 12 restricted the development to 17,453m³ of B2 floorspace and prevented the inclusion of any B8 floorspace. Permission was granted for the variation of conditions 11, 12 and 37 under reference AL/57/16/PL.

On land to the North & North-East A hybrid application for Oldlands Farm Phase 2 (Ref:AL/58/15/OUT) was granted in April 2016 for 1: Full planning application for earth works to facilitate flood compensation area and 2: Outline application (all matters reserved) for up to 20,453 sq. m of B2 General Industrial floorspace together with B8 Warehousing and Distribution floorspace. The site is located to the north east of the application site.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

Bersted Parish Council- No objection however, there are concerns for public safety in accessing the site. Therefore, members request that as part of the proposal either a cycle/pedestrian path is provided from the site running alongside the southbound carriageway or that a suitable pedestrian crossing for cyclists/pedestrians is installed allowing safe passage from the site across both dual-carriageways to the footpath on the northbound side

3 Letters of representation have been received as an objection to the proposal. The main summarised points of objection are:

- there is already a traffic issue at this round-about. It's odd that WSCC don't have an issue with it
- With the traffic from the Salt box in addition to that traffic generated from this it will be difficult to access the site by foot or by bike
- There should be a link provided for pedestrians and cyclists to mitigate against the increase in traffic
- crossing this road will become very dangerous
- when the Saltbox development materialises the roundabout will have five access roads.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. The applicant has agreed to a S278 for the cycle/ pedestrian link. A S278 will be conditioned to any permission, if granted, to ensure provision of this cycle/ pedestrian link.

CONSULTATIONS

Environmental Health
Economic Regeneration
WSCC Strategic Planning
Highways England
Environment Agency
Southern Water Planning
Sussex Police-Community Safety
Engineering Services Manager
Engineers (Drainage)
Parks and Landscapes
Archaeology Advisor
Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

Arun District Council Drainage Engineer- No objection to the proposal but a number of conditions are recommended, should permission be granted.

Archaeology Advisor- No objection.

CDC Ecology- No objections to the proposal but a number of recommendations and enhancements are required.

Southern Water- No objections but an informative is recommended for any permission, if granted.

Environmental Health- No objection but six conditions and two informatives are recommended for any permission, if granted.

WSCC Highways- No objections. Taking into account the previous history at the site the LHA would support the principle of the proposals. Consideration should however be given to the implementation of a pedestrian/cycle link and the commitment of a Travel Plan for the site which can be secured via condition.

Local Policing Team- No objections but a number of recommendations are made should permission be granted.

Economic Development- The principle of retail development on this site has already been established and since there are no other suitable sites within Bognor Regis, or a reasonable drive time, Economic Development offer no objection to this application.

Highways England- No objection on the basis that the development will not materially affect the safety, reliability and/or operation of the strategic road network (the tests set out in DfT Circular 02/2013, particularly paragraphs 9 & 10, and DCLG NPPF particularly paragraph 109) in this location and its vicinity

Landscape Officer- recommends the submission of revised landscape detail to expand and improve on the scheme presently submitted in relation to the main carpark area and the inclusion of tree species along the boundary edge.

Following the submission of an amended plan the Landscape Officer commented further on 13th February and recommends that the landscape proposals in dwg AD 116 Rev A are still inadequate. The Landscape Officer recommends further revision required to address her concerns raised to expand and improve on the scheme presently submitted in relation to the main carpark area where trees and shrub beds need to be added and for the inclusion of tree species and improved shrub species choice along the boundary edge.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and discussed in conclusion where relevant.

POLICY CONTEXT

Designation applicable to site:

- Site part of Strategic Employment Land Allocation for Bognor Regis (Enterprise Bognor Regis) in Arun District Local Plan 2018.
- A class road (Strategic Route Network)

DEVELOPMENT PLAN POLICIES

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

DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
EMPDM1	EMP DM1 Employment Land: Development Management
EMPDM2	EMP DM2 Enterprise Bognor Regis
EMPSP1	EMP SP1 Strategic Economic Growth
EMPSP2	EMP SP2 Economic Growth Areas
EMPSP3	EMP SP3 Strategic Employment Land Allocations
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HSP2A	HSP2a Greater Bognor Regis Urban Area
RETDM1	RET DM1 Retail development
RETSP1	RET SP1 Hierachy of Town Centres
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
SKILLSSP1	SKILLS SP1 Employment and Skills
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TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development

WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

Bersted Neighbourhood Plan 2014 Policy EE3	Encourage a diverse range of commerce in the Parish
Bersted Neighbourhood Plan 2014 Policy EE6	Communications infrastructure
Bersted Neighbourhood Plan 2014 Policy ES1	Design of new development
Bersted Neighbourhood Plan 2014 Policy ES2	Surface water management
Bersted Neighbourhood Plan 2014 Policy ES8	Renewable energy
Bersted Neighbourhood Plan 2014 Policy GA1	Pedestrian and Cycle Connections

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD6	Archaeology

POLICY COMMENTARY

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

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

The Neighbourhood Development Plan:

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NP), 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 NP policies will be considered alongside other development plan documents including Arun District Council's Local Plan.

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

The Bersted Neighbourhood Plan was made on 5th November 2014 and relevant 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 located in a strategic employment allocation site within the built-up area boundary (BUAB) and it is considered to comply with relevant Development Plan policies.

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 site currently benefits from a hybrid planning permission (Ref: BE/61/13) for "1: Full planning application for Access road and Flood compensation area. 2: Outline planning application for 33,116 sq. m of mixed commercial and industrial uses, comprising A1, A3, A5, B1, B2 and B8, with associated works and landscaping", which was granted in March 2014. Furthermore, the applicant submitted a Section 73 application (s.73) (Ref. BE/114/17/PL) to vary Conditions 4 (Quantum of Floorspace), 43 (Number of non bulky food goods units) and 47 (Sale of Goods) imposed under the outline element of the hybrid planning permission BE/61/13 which was approved on 14 February 2018. Condition 1 of BE/114/17/PL specifically allows for 1,325 sq.m of 'discount convenience retail' floorspace (net sales area) within Phase 1. Thus the principle of development for a discount convenience retail store has already been established on the site, underpinned by accompanying retail evidence. The conclusion of the retail section below assesses the proposed retail development on this site based on the latest retail evidence and concludes that it would not be 'significantly adverse'. Accordingly the proposal would comply with the Policy RET DM1 and Policy RET SP1 of the Local Plan and the NPPF.

LAYOUT

Policy D DM1 of the Local Plan requires proposed developments to "deliver or contribute to the ease of navigation within a new or existing development scheme through use of focal points (landmarks, gateways, vistas, corner buildings, active edges, existing topography), and/ or a variety of detail within the public realm". Policy EMP DM2(f) of the Local Plan requires "a high standard of design and landscaping to maximise the 'gateway' location of the sites".

The proposed store will be located towards the south-western edge of the site with car parking located to the north-west. The location of the store is within Phase 1A of Oldlands Farm which has an extant planning permission for retail floorspace in this general area and is therefore considered to be appropriate.

Vehicular customer access to the site will be taken from the existing junction off the internal estate road from the A29/A259 roundabout junction.

A separate delivery vehicle access is proposed further along the existing estate road which will enable delivery vehicles to drive into the service yard and reverse into the docking leveller bay for Lidl which is located to the east of the store.

The managed landscaped area and an attenuation pond to the south of the proposed store are acceptable and set the framework for the industrial and commercial development on the site.

The proposed Building will be set back a minimum of 2.0 metres from the edge of the plot boundary, forming a threshold space and will be designed based upon principles of 'Secured by Design' endorsed by Sussex Police, which includes segregated pedestrian and cycle routes to assist safety and security.

The proposed foodstore would be highly visible from both the A29 and the A259 and would be easily accessible from both the A29 and A259

Consequently, it is considered that the proposed development complies in general terms with Policy D DM1(11) and Policy EMP DM2(f) of the Local Plan and the guidance on layout provided in the draft Local Development Order (LDO).

CHARACTER AND APPEARANCE

Policy D DM1(1) of the Local Plan requires the proposed development 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".

The proposed development on the site would be A1 (Retail) which would not be dissimilar to the Rolls Royce development on the adjacent site in terms of character and appearance.

The site is located adjacent to commercial / industrial properties located within the industrial estate currently under construction. Effort has been made to ensure the appearance of the store respects its surrounding land uses and road network, whilst providing a contemporary design which attracts custom to the store. The proposed development would not be out of character for the surrounding area.

In terms of visual appearance and amenity, a 1.1m high post and rail fencing is proposed to enclose the balancing pond on the site, a 1.1m high metal rail is proposed along the delivery area and a 2.1m high powder coated paladin fence is proposed around the 'plant' area, which is considered to be acceptable visually.

Consequently, the proposed development on the site complies in general terms with Policy D DM1 and Policy QE SP1 of the Local Plan.

DESIGN

The NPPF indicates that good design should contribute positively to making places better for people. Policy D SP1 of the Local Plan requires "all development proposals should be of good quality and demonstrate a high standard of design". Policy EMP DM2(f) of the Local Plan refers to a high standard of design and landscaping to maximise the 'gateway' location of the Salt Box site. Policy ES1 of the Bersted NP goes further by specifying that: "new development which would have an effect on the appearance or character of the surrounding area should be of a high quality design and should contribute to local character by creating a sense of place appropriate to its location".

The application site is located in a prominent location and is predominantly experienced from the A29, the A259 and the adjacent Rolls Royce buildings, where it is viewed in the context of the urban fringe of Bognor Regis.

Curtain-wall glazing is proposed for the southwest elevation, with predominantly grey vertical cladding panels proposed for the other elevations of the foodstore, together with a section of render on the northern corner. The design of the proposed is modern, functional and similar to the nearby Rolls Royce building on the Oldlands Farm site and the proposed Aldi superstore on the Saltbox site.

Consequently, it is considered that the proposed development complies in general terms with Policies D SP1, D DM1 and EMP DM2(f) of the Local Plan, Policy ES1 and Policy ES5 of the Bersted NP.

RETAIL DEVELOPMENT POLICIES

The proposed development consists of a Class A1 Foodstore (retail).

The Local Planning Authority sought advice from a retail consultant, DPDS Ltd, to advise on the retail assessment which has been submitted with the application. Additional guidance was sought specifically in relation to:

- The methodology adopted in relation to the sequential assessment and the interpretation of relevant case law supplied by the applicant;
- The sequential assessment of the identified sites;
- The conclusions drawn in relation to the retail impact assessment and identified trade draw.

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 86).

"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 89).

"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 90).

Policy RET SP1 of the Local Plan seeks to retain the existing retail hierarchy and to make Littlehampton and Bognor Regis the main focus for retail development. Out of centre retail development is controlled by Policy RET DM1 of the Local Plan and this will establish the NPPF impact tests and expresses the sequential test.

This 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.

SEQUENTIAL TEST

Policy EMP DM2(h) of the Local Plan says "development proposals incorporating retail, leisure or office development should demonstrate that the proposal satisfies the sequential test and impact test in accordance with national planning policy". Policy RET DM1 of the Local Plan says: "applicants proposing retail development on out of centre sites will demonstrate that no suitable site can be found, firstly within the existing town centre or, secondly on the edge of the centre".

The Council's retail consultant's DPDS Ltd studied the submitted retail assessment and are of the opinion that sequentially, the applicant has considered vacant town centre units, the Regis Centre and the Hothampton car park in Bognor Regis. Both have been considered for regeneration for many years and the sites have planning permission for a number of leisure and commercial uses. The Council did conclude in relation to a Section 73 application (BE/114/17 for the amendment to conditions BE/61/13 on Oldlands Farm) that the sites were not available. Events have moved on since then with the appeal decision granting planning permission, but the implications of this are not clear. The Council's advisor on the Salt Box Field application concluded the sites were too small but had the much larger development in mind. In DPDS's view they would be large enough for a medium sized foodstore, but this would not match the aspirations or make the best of the sites' opportunities. It could also be difficult to defend the availability of either site in sequential test terms and DPDS conclude they should not be considered available. In terms of the sequential approach to development, the retail assessment concluded that there are no suitable or available sites to accommodate the development proposed. The submitted retail assessment was considered to be robust by the Council's retail consultants DPDS and it is considered that bearing in mind all of the sites assessed that the sequential test is met, in accordance with Policy EMP DM2(h) and Policy RET DM1 of the Local Plan.

RETAIL IMPACT

The proposed development includes erection of a 1410 square metres discount convenience retail food store (Use Class A1) & parking, landscaping & other associated works.

The site, which is situated within Enterprise Bognor Regis, is considered to be suitable in accordance with Policy EMP DM1(4) of the Local Plan. The food store would be easily accessible by the highway network and public transport on the A29 and A259 in accordance with Policy RET DM1(3)(b); the site is accessible by cycle and on foot in accordance with Policy RET DM1(3)(c); and the site would include appropriate provision to enable access for people with disabilities in accordance with Policy RET DM1(3)d) of the Local Plan

The NPPF requires out of centre retail proposals which do not benefit from a specific allocation in an up-to-date Local Plan to be tested in terms of their potential impact upon town centres to determine whether there would be any significant adverse effects. There are two limbs to the impact test - the impact on planned and committed investment and the impact on town centre vitality and viability.

Taking the impact on town centre investment first, there are two sites where investment was planned, the Regis Centre and Hothampton Car Park sites, with the most recent application being allowed at appeal (BR/156/16/PL). In any case, the investment proposals for these sites did not include a foodstore and had only limited other retail development.

Before considering the quantitative analysis there are a few points to consider regarding how the test should be approached. The first is the intention of Lidl to move from a smaller unit nearby. Notwithstanding that intention, any permission, in DPDS's view, should not be limited to Lidl as an occupier. There is an argument which runs that since the impact assessment assumes the relocation of the Lidl store, a condition limiting the occupation to Lidl would be justified. However, such conditions are discouraged, and this point is returned to having considered the impact on Bognor Regis town centre.

Second, the proposal is only about 100 sq m larger in net sales terms than the permitted foodstore on the site. The applicant claims this as fall-back position. The weight to be given to fall back positions depends on how likely they are to be taken up. However, the applicant has submitted a retail impact assessment for the whole store, and this is what DPDS has been asked to assess. DPDS would consider that weight that should be given to the fall-back position if necessary once the likely impact is better understood.

The Independent Retail Assessment concludes that the proposed foodstore is very unlikely to have an adverse impact on the vitality and viability of the town centre or any other centre, either on its own or in combination with other permitted development. It is unlikely to adversely affect the investment planned in the town centre. The applicant has demonstrated compliance with the sequential test. There is therefore no reason to refuse the application on retail planning grounds.

The assessment is based on the assumption that the occupier would be a discount food retailer and a condition is recommended to restrict sales predominantly to food. This would best be achieved by limiting the amount of net sales floorspace to 1410 sq m of which no more than 282 sq m should be for the sale of comparison goods (as shown in PREBS App 5 Table 4b).

It is not thought there is any need to limit the development to food discount retailers, for instance by limiting the number of items that could be sold. This was common practice when the turnover of the discounters was substantially lower than mainstream food retailers, but as is clear from the figures in the impact assessment, this is no longer the case.

The impact assessment is based on the transfer of the total trade of the existing store to the new one. However, if the occupant were not Lidl but another food retailer, or the current Lidl store was re-occupied by another food retailer, the pattern of trade diversion would still be heavily concentrated on the out of centre stores and it is clear that the overall impact on the town centre would still not be significantly adverse. In these circumstances it is not believed a named user condition could be justified.

CONCLUSION ON RETAIL MATTERS

Consequently, it is considered that the proposed retail development on this site could not be considered 'significantly adverse'. Accordingly the proposal would comply with the Policy RET DM1 of the Local Plan and the NPPF.

RESIDENTIAL AMENITY

Policy QE SP1 of the Local Plan says: "the Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity".

The main consideration for this site is the potential visual and disturbance impact on Shripney Village as this is the nearest settlement. Policy EMP DM2(g) of the Local Plan requires "suitable screening to protect the amenity of existing residents".

There would be a separation distance between the proposed site and the nearest residential dwelling entering the Village of approximately 400m which would also include the A259 and field boundary screening which would maintain a sense of separation between the site and the Village.

There are no other residential dwellings in the vicinity of the site.

ECONOMIC BENEFITS

The proposed development of the site would comprise capital investment into a strategic site which is an employment allocation in the Local Plan and a fundamental part of the Enterprise Bognor Regis (EBR) initiative. The development would generate £1.9m per annum in wages for local people. The proposed Lidl store will employ up to 40 full-time equivalent (FTE) staff in store (comprising a mixture of full-time and part-time positions) but including all staff from the existing Peel Centre store. Lidl has a policy of employing local people from all backgrounds to work in their stores. This allows for a short commute to work and for staff to potentially work at short notice

Following the successful completion of development associated with the Outline planning application granted in 2014 there would be a total of 33,116 sq. m of mixed commercial and industrial uses, comprising A1, A3, A5, B1, B2 and B8 uses. The entire development is anticipated to deliver a substantial number of jobs to the area. The industrial (B1/B8) uses are important to the development of the site, as is the retail foodstore (A1), which is considered to be both acceptable and necessary, in terms of functioning as an enabling use on the site.

As mentioned the proposed discount foodstore is a 85 sq. m greater than that already approved under Section 73 application BE/114/17/PL, which was for 1,325 sq.m

Consequently, the economic benefits of the proposed development are considerable not only for the economy of Bognor Regis, but for the wider district. It is considered appropriate to impose a condition requesting the submission of a Skills and Employment Plan, using local suppliers wherever possible and providing support for local employees and apprenticeships, in accordance with Policy SKILLS SP1 of the Local Plan.

FLOODING AND SURFACE WATER DRAINAGE

Policy EMP DM2(c) of the Local Plan requires "appropriate flood mitigation works". Policy W DM2 of the Local Plan 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 planning application is supported by a Flood Risk Assessment (MJA Consulting, July 2013) which was prepared in support of the original hybrid planning application. When the FRA was written the site was considered to be located in Flood Zones 1, 2 and 3. There were no other sources of flooding identified on or within the vicinity of the site including from groundwater, tidal, overland runoff (pluvial), artificial sources and flooding from overloaded existing and proposed sewer networks.

Since the original FRA was undertaken the proposed Flood Compensation Area has been delivered which means there are no longer areas on site within flood zones 2 and 3 as the floodplain has now been relocated to adjacent land which is outside of this application boundary. Currently existing runoff from the site discharges to the adjacent Oldlands Farm Ditch.

Arun Drainage have been consulted and concluded that as the site has since been raised as part of flood compensation works infiltration has been dismissed across the site. It is therefore not possible to rely on infiltration methods and as such attenuation needs to be provided with flow control that will not interact with the flood plain i.e. no hydraulic linkage.

It is considered that through the existing Flood Compensation Area and the proposed drainage solution that the proposal would not result in an unacceptable risk of flooding in accordance with the requirements of national policy and local plan policies ECC SP2 and W DM3.

Subject to the imposition of a number of conditions should permission be granted, Drainage have no objection to the proposal.

FOUL WATER DRAINAGE

Policy EMP DM2(d) of the Local Plan requires "connection to the existing sewerage system off-site at the nearest point of adequate capacity and where located within a flood risk area a sealed sewerage system". Policy W DM1(2)(b) of the Local Plan requires: "to ensure good quality water quality in the District, all major new developments must demonstrate, where it will materially increase foul and/or surface water discharges, adequate drainage capacity exists or can be provided as part of the development. Where adequate capacity does not exist, there will be a requirement that facilities are adequately upgraded prior to the completion and occupation of development."

Southern Water have no objection to the proposal but recommend an informative is added to any permission, if granted, that requires a formal application for a connection to the public foul sewer to be made by the applicant or developer

It is considered that, on this basis, the proposed development complies with Policy EMP DM2(d) and Policy W DM1(2)(b) of the Local Plan.

HIGHWAYS AND TRANSPORT

Policy T SP1 of the Local Plan 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".

National planning policy relating to access is provided in the National Planning Policy Framework 2019 (NPPF).

Paragraph 103 of the NPPF advises that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes, as this can help to reduce congestion and emissions, and improve air quality and public health.

Paragraph 111 confirms that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

Further, paragraph 110 states that applications for development should:

- address the needs of people with disabilities and reduced mobility in relation to all modes of transport; and,
- allow for the efficient delivery of goods, and access by service and emergency vehicles.

As outlined above, the Development Plan for Arun District Council comprises the Arun Local Plan 2011-2031 (July 2018).

Policies relevant to the access elements of the proposed development are set out below.

Policy T SP1 (Transport and Development) advocates that 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.

Policy T DM1 (Sustainable Travel and Public Rights of Way) confirms new development must ensure ease of movement, prioritising safe pedestrian and cycle access to the green infrastructure network and access to public transport and community transport services where a need has been identified.

In this instance the proposed parking standards have been used in accordance with the Arun District Council Parking Standards Supplementary Planning Document adopted in January 2020.

From a review of national and local planning policy, it is clear that the provision of safe and adequate access to the site is important in the context of this site. The proposed development provides this in a number of ways.

The proposed site layout will allow for safe and efficient movement for all users. The defined service area to the south of the store provides space for deliveries to take place separately to the customer parking area, complying with paragraph 110 of the NPPF which promotes the efficient delivery of goods, whilst minimising conflict between pedestrians and vehicles.

The proposed customer car park access spur is already in place and has been completed in accordance with relevant West Sussex County Council (WSCC) highway standards. The access road and car park layout are therefore fully in accordance with Policy T SP1 as the site provides safe access to the highway network, contributes to highway improvements and promotes sustainable transport.

The proposed development provides a total of 149 car parking spaces (including two rapid electric charging car park spaces) as part of the scheme. The ADC Parking standards SPD allow a flexible approach to the level of parking provision, taking into account local circumstances. The 149 parking spaces provided as part of the development is in line with the 1 per 14 sq.m ADC Parking standard, and thus provides a sufficient parking provision to serve the proposed store. Parking spaces should have dimensions of 2.4 by 4.8 metres and 3.3 by 4.8 metres for disabled parking spaces. Parking for staff will be contained within the site.

In terms of cycle parking, the proposed scheme will provide a total of 24 cycle parking which meets and complies with guidance on cycle parking provision. Consequently, the proposed parking provision would be in accordance with Policy T SP1 of the Local Plan and Policy HDQ8 of the Bersted NP.

The number of parking spaces provided fully complies with the requirements of the Supplementary Planning Guidance adopted by West Sussex County Council (WSCC) for car parking spaces, disabled spaces (10 spaces), parent and child spaces (11 spaces) and cycle spaces. 8 Motorcycle spaces are also provided. This ensures an appropriate level of parking provision for all customers. This includes disabled spaces, parent and child spaces and cycle spaces, as well as 2 rapid electric vehicle charging points.

Overall, the site is located in an accessible location that ensures ease of movement for vehicles and access to the public transport network. In this regard the proposed development accords with paragraph 103 of the NPPF and Policies T SP1 and T DM1 of the Arun Local Plan.

It is also acknowledged that the proposed development would contribute financially towards implementing the initial mitigation measure of a pedestrian/ cycle link to provide a safe and satisfactory access to the site. This would be included in the Section 278 (Highways Act) Agreement. The current

planning application has support from the Local Highway Authority.

Need for a pedestrian/ cycle link:

A contribution from the applicant towards the pedestrian/ cycle link is required. This developer contribution is considered to be CIL compliant. The contribution would be delivered through a S278 Agreement.

In their consultation response Bersted Parish Council outlined concerns for public safety in accessing the site. Members requested that as part of the proposal either a cycle/pedestrian path is provided from the site running alongside the southbound carriageway or that a suitable pedestrian crossing for cyclists/pedestrians is installed allowing safe passage from the site across both dual-carriageways to the footpath on the northbound side.

As part of the Saltbox planning application to the west of the site (BE/135/18) a contribution has been secured of £132,500 towards accessibility improvements on the A259 and A29 including the provision of improved foot/cycleways and crossing facilities.

Mindful of the above the LHA consider there is the opportunity to provide an extension of the existing pedestrian/cycle route on the eastern side of the A29 from the Felpham Relief Road southwards to the Oldlands Way Roundabout. This will provide a direct link with the Southern Cross Trading Estate and provide a means of access for pedestrian and cycle movements from the south towards the proposed retail store; that is currently not in place. The proposed link would provide a more accessible route to the retail store for both customers and staff.

Cycling and Walking:

Policy T SP1 of the Local Plan says: "The Council will support transport and development which gives priority to pedestrian and cycle movements". Policy GA1 of the Bersted NP goes further by saying: "support will be given to proposals which would increase or improve the network of footpaths, footways and cycleways either by making land available for that purpose or by means of financial contributions through legal agreements".

In effect, the proposed off-site cycle/ pedestrian link improvements would ensure that the site would be linked into the wider cycle network that is being planned and implemented in Arun District including the shared cycle path along the A259 which runs from the Hoe Lane Roundabout in Flansham to the Climping roundabout near Climping Cricket Club. This now links up with the existing shared cycle paths on Felpham Relief Road in the west and Littlehampton to the east.

The applicant has agreed to the Local Highway Authority's request for a financial contribution towards off-site cycle/ pedestrian link in accordance with the recommendations in the Arun Transport Study 2016 (Stage 3) and the Enterprise Bognor Regis Transport Review Report 2017, which would be achieved by means of a Section 278 Agreement. The highway verge is of suitable width to accommodate this link. The detailed specification of this link will be agreed between the applicant and WSCC Highways as part of the Section 278 agreement.

Consequently, the proposed cycle/ pedestrian link is acceptable and the proposed development is in accordance with Policy EMP DM2(a), Policy T SP1, Policy T DM1 and Policy RET DM1(b) and (c) of the Local Plan and Policy GA1 of the Bersted NP.

The implications of developing this part (the Lidl site is Phase 1A, the Rolls Royce Site is Phase 1B, Phase 2 is the remainder) of the hybrid site ahead of the remaining parts (Phase 2) in terms of access and ease of movement have been assessed in the Transport Assessment submitted with this application. The main Oldlands Farm spine road was constructed under the planning permission for the Rolls Royce

scheme. It commences at the A29 Shripney Road / A259 BNRR roundabout, where the purpose-built access arm enters Oldlands Farm in a south-easterly direction, then turns to a north-easterly direction to serve the entire site. This road will be used for the remaining parts of the larger hybrid site and is unaffected by the development of this part of the site (Lidl food store) first.

The customer access for the proposed site utilises the approved access point under app.ref.BE/61/13. Consequently, no changes are proposed and hence this access should remain acceptable to serve the proposed site. The approved access point for delivery vehicles approved under BE/61/13 is positioned at the north-eastern extent of the site layout for BE/61/13, which was suitable for the then unit layout. As can be seen on the latest layout at Appendix A of the submitted Transport Assessment, the retail unit is positioned at the southern extent, consequently it is now proposed to provide a delivery access at a central position, which will serve the Lidl unit.

The Phase 2 site is located at the north-eastern extent of Oldlands Farm and will comprise of circa 20,453sqm of B2, together with B8 floorspace.

The latest TRICS database submitted with the application has provided relevant trip rates, which were applied to the scheme in order to determine the Phase 1A trip generation. The weekday AM and PM peak hour flows are forecast to be up to 75 and 339 two-way respectively. It is considered likely that linked trip journeys will occur when the entire Oldlands Farm site is built out, resulting in a lower trip generation than for the total individual forecast trips.

The Transport Assessment has undertaken an appraisal of the traffic generation for the individual development areas within Oldlands Farm, in order to compare with the previously accepted levels forecast by the employment site.

The traffic impact analysis has demonstrated that the total forecast trip generations of the various development areas is less than the extant trip generation for the site. Previous junction capacity modelling demonstrated that the A29 Shripney Road / BNRR roundabout would operate satisfactorily in the 2031 future year

It is concluded that the Phase 1A development scheme will not have a detrimental traffic impact on the remaining parts of the hybrid site or the local highway network.

Highways England are satisfied that the development will not materially affect the safety, reliability and/or operation of the strategic road network (the tests set out in DfT Circular 02/2013, particularly paragraphs 9 & 10, and DCLG NPPF particularly paragraph 109) in this location and its vicinity. Highways England are not requesting a contribution from this planning application.

Public Transport:

Policy T SP1(a) of the Local Plan 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 northbound and southbound bus stops on the A29 south of Rowan Way, approximately 450 metres and 500 metres south of the proposed site access with regular services on routes 66A and 66C (Bognor-Shripney-Westergate-Bognor Regis). These bus routes provide access to locations between Bognor and Westergate, Walberton and Yapton. Bognor Regis Railway Station is approximately 3.0km south and is accessible by bus, bicycle and car.

Consequently, it is considered that the proposed development is accessible by public transport and it complies with Policy T SP1(a) and Policy RET DM1(b) of the Local Plan.

Travel Plan:

The Local Highway Authority is requesting the imposition of a condition requiring the submission of a detailed Travel Plan, in accordance with Policy T SP1 and Policy EMP DM2(b) of the Local Plan and Policy GA1 of the Bersted NP.

The Travel Plan would be developed with the Local Highway Authority to promote a programme of sustainable transport measures. The aims of the Travel Plan would be to encourage sustainable travel to work and home patterns by promoting car sharing, walking, cycling and the use of public transport.

LIGHT POLLUTION

Policy QE DM2 of the Local Plan emphasises 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.

It is considered that the site is in the built up area on the northern periphery of Bognor Regis.

The applicant has submitted lighting details and lighting drawings with the full planning application including lighting luminaires (lux levels), which are appropriate for a site within the built up area (i.e. Zone E3/E4). The applicant is proposing to install lighting columns in the car park measuring a maximum of 6.0 metres high. The required lighting has been designed in order to minimise the effect on the character of the local landscape, particularly to the north-west and to minimise the impact on local views.

The external lighting would be controlled by means of a number of conditions requiring:

- the submission of details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination
- that no external lighting shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development

Consequently, it is considered that the proposed development complies with Policy QE DM2(a) to (d) of the Local Plan.

RENEWABLE ENERGY

Policy ECC SP2(a to c) of the Local Plan says that all new commercial development will be expected to be energy efficient and to demonstrate how they will a) "achieve energy efficiency measures that reflect the current standards applicable at the time of submission"; b) "use design and layout to promote energy efficiency"; and c) incorporate decentralised, renewable and low carbon energy supply systems, for example small scale renewable energy systems such as solar panels". Policy ECC SP2 goes on to say that all major developments must produce 10% of the total predicted energy requirements from renewable or low carbon energy generation on site, unless it can be demonstrated that this is unviable. Energy efficiency measures will be taken into consideration when the total predicted energy requirements are calculated.

The proposed store will incorporate 1,029.5 sq.m of photo-voltaic panels on the roof which is calculated to yield 915kWh of electricity generation, avoiding 45,655kg of Co2 emissions per annum, exceeding the 10% policy requirement of the predicted energy usage to be provided via renewable energy sources. The Arun Council Parking Standards Document January 2020 requires 2% of the 149 total car parking spaces proposed cater for electric charging of vehicles. This would require 3 charging points. The

applicants are proposing 2 x 70Kv 'rapid' EV chargers which are the fastest currently on the market (80% charge in 20- 30 minutes). It is accepted that these chargers can service significantly more cars than a standard EVCP can, due to the faster turnover achieved. Furthermore, Lidl's new store specification now provides a passive charging loop within one row of the car park, to ensure readiness for future increases in the amount of electric vehicles on the road. In this case, a passive loop is likely to be installed in the row fronting the foodstore (adjacent to the rapid chargers).

In light of this it is considered the proposal is in compliance with local plan policies ECC SP1: Adapting to Climate Change and ECC SP2: Energy and Climate Change Mitigation.

CONTAMINATED LAND

Policy QE DM4 of the Local Plan says that "prior to any development, the Council will require evidence to show that unacceptable risk from contamination will be successfully addressed through remediation without undue environmental impact during and following the development".

A Land contamination assessment (with 10 parts) was submitted with the application which consisted off a desk study and site investigation. The wider site is split into two distinct areas referred to as Phase 1A and Phase 2, as shown on Hydrock Drawing BOG-HYD-XX-ZZ-DR-GE-0003. Phase 1A (the application site) comprises an area of engineered ground in the southwest of the wider site while Phase 2 site comprises agricultural fields which contained wheat at the time of the intrusive works.

Information regarding contamination of the site has already been considered as part of previous applications for the site as part of the original hybrid permission. Condition 7 (Remediation Strategy, Desk Study and Site Investigation), 8 (Contamination Verification) and 9 (Contamination not previously identified) of planning permission BE/85/15/DOC have been discharged.

In addition to the above, the site has already been cleared and earthworks have already been undertaken to level the site as part of works undertaken for the nearby Flood Compensation Area which falls outside of this application.

Environmental Health were consulted with the submitted information as part of this application and have no objections to the proposal subject to the imposition of a number of conditions should permission be granted.

Consequently, it is considered that, subject to these conditions, the proposed development complies with Policy QE DM4 of the Local Plan.

BIODIVERSITY

Policy ENV DM5 of the Local Plan says that "development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site". Policy EMP DM2(e) of the Local Plan requires that a suitable habitat assessment and where necessary, mitigation measures to ensure no overall loss of biodiversity given the importance of the area in relation to wildlife and particularly protected species.

The NPPF and development plan policies indicate that a development likely to have an adverse effect, either directly or indirectly on a Local Nature Reserve (LNR) and Site of Nature Conservation importance (SNCI) such as ancient woodlands or wildlife corridors will not be permitted. The planning application was accompanied by an Ecological Appraisal which confirmed that the site is not subject to any statutory or non-statutory nature conservation designations. The site is largely devoid of ecological interest and no insurmountable ecological constraint have been identified. Overall, by adopting the mitigation and

enhancement measures recommended in the report it is considered the proposed development would accord with current legislation and planning policy.

An Ecological Assessment (June 2019) including a Phase 1 walkover survey was carried out by Ecology Solutions in March 2019. Habitats recorded on site include lime stabilised surface, disturbed ground, hardstanding which are considered to be of negligible ecological value and tree planting along the southern and eastern boundaries of the site which are to be considered of very low ecological value.

The Ecological Officer was consulted with the Ecological appraisal and had no objection to the proposal subject to a number of recommendations and enhancements such as:

- Any trees removed should be replaced at a ratio of 2:1
- Wildflower meadow planting used
- Filling any gaps in tree lines or hedgerows with native species
- Bat and bird boxes installed on the site (as detailed above)
- Grassland areas managed to benefit reptiles.
- Log piles onsite
- that gaps are included at the bottom of the fences to allow movement of small mammals across the site
- two hedgehog nesting boxes included on the site

A bat brick should be integrated into the building onsite facing south/ south westerly positioned 3-5m above ground.

Due to the likely presence of water voles within ditch near to the site precautions should be put in place to ensure no rubble or building waste enters the ditch. As part of the wider area, the ditch needs to be subject to protective measures with a 5m buffer being set up from the ditch bank and fencing used during the construction period to ensure this area remains undisturbed.

If any works need to take place in this area, then a full mitigation strategy for water voles will be required.

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work). A bird box also needs to be installed on the building and or tree on the site.

The applicant agreed that these enhancements would be incorporated into any landscape plan submitted for future clearance of a Landscaping Condition which is recommended as part of any permission, if granted, for this current proposal.

Consequently, the proposed development is deemed in compliance with Policy ENV DM5 and Policy EMP DM2(e) of the Local Plan, as the development would ensure there would be a net gain in biodiversity and existing habitats will be protected and enhanced.

LANDSCAPE

Policy EMP DM2 of the Local Plan requires "a high standard of landscaping to maximise the 'gateway' location of the site" (Policy EMP DM2(f)).

A landscape scheme was submitted with the application but the level of greening within the large car park area and around the site in general was felt to be significantly lacking. The consultation response from the Landscape Officer agreed with this conclusion. Following discussion it was requested by the

applicant that a condition be imposed on any permission if granted, in light of the limited time available. This will enable a suitable scheme to be designed as part of the discharge of the condition.

This, however, poses a problem in that the 'hard' landscaping area of the car park would be permitted as part of the overall approval but would be subject to change at a later date once the 'soft' landscaping scheme was agreed upon.

Following discussion with the agent it was agreed that the general car park layout/ parking amount is accepted as part of the 'hard' landscape but that this will be subject to some change once the 'soft' landscaping layout, which will be conditioned, has been agreed to by the Council and an adequate amount of greening throughout the car park/ site is incorporated.

Consequently, subject to the imposition of a specifically worded landscaping condition for the site to reflect the above, together with a condition regarding the provision of ecological enhancements, the proposed landscaping for the site is in accordance with Policy GI SP1 and Policy EMP DM2(e, f, and g) of the Local Plan.

ARCHAEOLOGY

Policy HER DM6 of the Local Plan says that "where a site on which development is proposed has the potential to include heritage assets with archaeological interest (having consulted the Historic Environment Record) permission will only be granted where it can be demonstrated that development will not be harmful to the archaeological interest of these sites".

Archaeological remains are a fragile and finite resource. Permission will not be granted for development that would be harmful to the significant archaeological interest of the site.

Development Archaeology Services Ltd (DAS) has prepared a summary report of the results of a two stage archaeological evaluation in respect of the site. In undertaking the evaluation of the site, DAS have divided the site into two areas, area 1a which reflects the northern area of the site and area 1b. The archaeological evaluation has been undertaken in two phases with the preliminary investigation being undertaken in April 2015 and the second phase of investigation in December 2017.

The archaeological evaluation report submitted with the application makes it clear that the archaeological interest contained by the site is unlikely to be significant enough for further investigation, or the requirement of any other mitigation measures, to be justified.

Consequently, it is considered that the proposed development complies with Policy HER DM6 and Policy HER SP1 of the Local Plan.

OTHER MATERIAL CONSIDERATIONS

The National Planning Policy Framework (February 2019) (NPPF) identifies that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. It is explained that good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.

The Council's Statement of Community Involvement (SCI) (November 2018) encourages wider involvement of the community and stakeholders at an early stage in the development management process if of benefit to the public, local groups and organisations, developers and local authorities.

The applicant previously undertook public consultation with the local community for a proposed Lidl

foodstore and The Range retail unit in late 2017 and early 2018 Statement of community involvement. The 2017/ 2018 consultation exercise demonstrated the high level of support the local community has for the proposed development at Phase 1A Oldlands Farm. 86% of responses support the vision for Oldlands Farm with an overwhelming 90% of respondents considering the proposal appropriate for Phase 1A. Similarly there is a clear support for the relocation and retention of the Lidl store at Oldlands Farm, with the provision of a purpose built retail unit.

This consultation process has helped to inform the proposed development.

CONCLUSION

The application site is located in a strategic employment land allocation site within part of Enterprise Bognor Regis in Policy EMP DM2 of the Local Plan; and is a fundamental part of the draft Local Development Order. The proposed development on this site would comprise a capital investment with a total of 1,410 square metres of retail floor-space which is anticipated to delivery of 40 jobs. Consequently, the economic benefits of the proposed development is considerable.

On balance, retail development is considered to be necessary and acceptable on the site as the proposal has met the sequential test and the retail impact has been found to be acceptable on Bognor Regis Town Centre.

Some policies in the Framework are cast in terms which indicate that in certain circumstances planning permission should be restricted. These, in this case, relate principally to flooding and the natural environment. Having regard to the tests set out in the NPPF in relation to these issues, and in the context of this report, it is considered that the circumstances are such that none of these issues amount to a reason for withholding planning permission either because the matter can be controlled by suitable conditions, the Section 278 Agreement or because the public benefit outweighs the harm in respect of the issue at hand.

HUMAN RIGHTS ACT

Human Rights Act:

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership,

pregnancy and maternity, race, religion or belief, sex or sexual orientation).

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 191118-18179 AD 100 Rev C - Location Plan, 191118-18179 AD 110 Rev D - Proposed Site Plan, 190719-18179 AD 111 - Proposed Building Plan, 190719-18179 AD 113 - Proposed Elevations, 190719-18179 AD 112 - Proposed Roof Plan, 191118-18179 AD 114 Rev C - Proposed Boundary Treatments, 191118-18179 AD 115 Rev C - Proposed Site Finishes

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 No part of the development shall be first occupied until the secure and covered cycle parking spaces, road(s), footways, and casual parking areas serving the development have been constructed, surfaced and drained in accordance with the approved plans.

Reason: To secure satisfactory standards of access for the proposed development, in accordance with Policy D DM1 of the Arun Local Plan.

- 4 Prior to the commencement of development full details of the hard & soft landscape works for the site, including an implementation programme, shall be submitted to and be approved in writing by the Local Planning Authority. Parking provision shall be maintained at 149 spaces and whilst the parking layout has been agreed in general, it is acknowledged that minor amendments to the parking layout may be necessary as part of the agreement of the 'soft' landscaping works with the Council.

Hard landscape works shall include:

- (a) proposed finished levels and/or contours,
- (b) boundary details and means of enclosure,
- (c) vehicle and pedestrian access and circulation areas,
- (d) hard surfacing areas,
- (e) minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting etc.),

Soft landscape works shall include:

- (f) planting plans
- (g) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment);
- h) schedules of plants noting species, planting sizes and proposed numbers/densities; and
- i) replacement planting if trees and shrubs die.

- (j) further landscape provision to the main area of carparking with the incorporation of planted areas for trees and shrubs
- (k) the green boundary treatment along the boundary edges to be increased in size to cater for a suitable planting scheme, given sufficient space and growing medium to be able to establish and thrive.
- (l) the boundary treatment areas to incorporate tree species in the design. Trees specified should be at a size which allows instant impact, but which will establish and mature as the site develops

All hard and soft landscaping works shall be carried out in accordance with the approved details, the approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.

Reason: To ensure the provision and establishment of acceptable landscape in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a precommencement condition to ensure the correct hard landscaping is implemented.

- 5 Within 2 months of the permission hereby granted, the applicant or occupier of the proposed foodstore shall enter into negotiations with the local planning authority to identify a scheme for the pedestrian link/ cycle link on the eastern side of the A29 from the Felpham Relief road southwards to the Oldlands Way roundabout. Once the scheme has been agreed in writing with the local planning authority, the applicant or occupier of the proposed foodstore will be required to enter into a Section 278 agreement with the local highways authority and implement the works in full within a timescale to be agreed.

Reason: In the interests of road safety, in accordance with Policy D DM1 and Policy T SP1 of the Arun Local Plan.

- 6 Development shall not commence, other than works of site survey and investigation, 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, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels. No building / No part of the extended 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: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 7 The development shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. And to ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

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

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

- 9 No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority. Improved sustainable modes of transport relate to plans to improve nearby existing footways, cycleways, bus routes, pedestrian links and links to train stations. 'Smarter choices' apply mainly to employment travel plan schemes or potential schemes which provide people with genuine practical methods to reduce car journeys, such as through cycle schemes and car sharing.

Reason: To encourage and promote sustainable transport.

- 10 Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 11 The details and recommendations set out in the submitted Ecological Assessment (8270.EcoAs.vf), June 2019, as well as the recommendations and enhancements asked for by the Council's Ecologist shall be implemented in full prior to the completion of the development and be retained thereafter.

Specifically these are:

- Wildflower meadow planting used
- Filling any gaps in tree lines or hedgerows with native species
- Bat and bird boxes installed on the site (as detailed above)
- Grassland areas managed to benefit reptiles.
- Log piles onsite

- two hedgehog nesting boxes included on the site

A bat box should be provided onsite facing south/ south westerly positioned 3-5m above ground.

Due to the likely presence of water voles within ditch near to the site precautions should be put in place to ensure no rubble or building waste enters the ditch. As part of the wider area, the ditch needs to be subject to protective measures with a 5m buffer being set up from the ditch bank and fencing used during the construction period to ensure this area remains undisturbed.

If any works need to take place in this area, then a full mitigation strategy for water voles will be required.

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work). A bird box also needs to be installed on the building and or tree on the site.

Reason: To ensure the acceptable management of the landscaping on the site in accordance with Policy D DM1 of the Arun Local Plan.

- 12 Construction of the development shall not commence until details of the proposed means of foul water & sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water

Reason: To prevent development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution in accordance with the NPPF, and to prevent pollution of groundwater in accordance with Policy D DM1 of the Arun Local Plan.

- 13 Prior to the development being brought into first use a scheme for the provision of facilities to enable the charging of electric vehicles to serve the proposed foodstore shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be retained and maintained in good working condition.

Reason: New petrol and diesel cars / vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework (NPPF).

- 14 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:
- a) an indicative programme for carrying out of the works;
 - b) Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
 - c) Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);

- d) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- e) The parking of vehicles of site operatives and visitors;
- f) Loading and unloading of plant and materials, including permitted times for deliveries;
- g) Storage of plant and materials used in constructing the development;
- h) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- i) 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 Regulations Orders);
- j) Measures to control the emission of dust and dirt during construction;
- k) A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted.

Reason: To protect the amenity of pedestrians & of highway users in accordance with Policy QE SP1 of the Adopted Arun Local Plan 2011 - 2031

- 15 No construction / demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Adopted Arun Local Plan 2011-2031

- 16 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Adopted Arun Local Plan 2011 - 2031

- 17 The foodstore hereby approved shall be restricted to predominantly retail convenience goods, with a net sales floor space of 1,410 sqm, with no more than 282 sqm being for the sale of retail comparison goods.

Reason: To ensure the development will not have an adverse impact on the vitality and viability of the Town Centre.

- 18 Details of the photo-voltaics (PVs) to be installed shall be in accordance with the submitted details and provide at least 10% of the predicted energy usage through renewable energy sources. The approved details shall be installed prior to occupation of the respective unit and be maintained thereafter.

Reason: To ensure that renewable energy resources are implanted on the site, in accordance with Policy ECC SP2 of the Arun Local Plan.

- 19 Prior to the commencement of development the applicant shall prepare and submit for

approval an Employment and Skills Plan. Following approval of the Employment and Skills Plan the developer will implement and promote the objectives of the approved plan.

Reason: In accordance with Policy SKILLS SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as it relates to the construction phase of development.

20 INFORMATIVE: The applicant's attention is drawn to the requirements of the Environmental Protection Act 1990 and the Clean Air Act 1993 with regard to burning on site. A 'Statutory Nuisance' may be caused by smoke and ash from fires or noise from the cutting or chipping trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should also be contacted regarding Exemption Permits to burn on site.

21 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council land.drainage@arun.gov.uk), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens.

The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.

22 INFORMATIVE: For a site of this size it is expected that a full winter's groundwater monitoring is completed even if infiltration is not viable to ensure that the risks of flotation are appropriately mitigated in design. Therefore when the design is agreed, a full winter's groundwater monitoring (that shows the peak groundwater level) will be required. There must be capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.

Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here:

<https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

23 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health Department on 01903 737555.