

Our Ref: 19-03049

15 September 2021

York House
York Street
Manchester
M2 3BB

Nicola Moore
Arun District Council
Arun Civic Centre
Maltravers Road
Littlehampton
BN17 5LF

LONDON
BIRMINGHAM
BRISTOL
CAMBRIDGE
EDINBURGH
HUNTINGDON
MANCHESTER

Dear Nicola,

Re: Approval of details reserved by condition imposed under ref BE/126/19/PL relating to Condition Nos 4 - hard & soft landscaping, 5 - pedestrian link/cycle link, 9 - Travel Plan and 13 - electric vehicle charging.

Rapleys LLP is instructed by Lidl Great Britain to submit a discharge of condition planning application in relation to planning permission (Ref. BE/126/19/PL) for the abovementioned development by Arun District Council at Oldlands Farm Cottages, Steyning Way, Bersted, PO22 9NN.

This application has been submitted via the Planning Portal (Ref. PP-10210666) dated 13 September 2021. This letter, in conjunction with the enclosed application form, technical drawing plans and the requisite planning fee [REDACTED], comprise the applicant's discharge of condition planning application package.

The planning application package comprises the following:

Documents:

- EVC Space details and specification - Drawing AD 110_REV D, One Design Architects
- 'Section 278 Agreement Plan', Mayer Brown drawing ref. LIDLBOGNOR.2/01X
- WSCC Consultation Response to planning application DC/21/0321 in Horsham District Council (Billingshurst Business Park, Stane Street, Billingshurst)

In addition to the above, the specific information in respect to the various conditions is set out below.

Condition 4: Landscaping

Condition 4 states:

"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.

RAPLEYS LLP IS REGISTERED AS A LIMITED
LIABILITY PARTNERSHIP IN ENGLAND AND
WALES

REGISTERED OFFICE: 00368515

REGISTERED OFFICE:
UNIT 2A THE PROCLAMATION, THE BOULEVARD,
ENTERPRISE CAMPUS, ALCONBURY MEADS,
PETERBOROUGH

REGULATED BY RICS

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.*** (Our emphasis in added in bold).

Condition 4 was discharged under application BE/90/20/DOC. However, the purpose of this discharge application is to confirm that the agreed soft and hard landscaping works have been completed pursuant to the last sentence under this condition. Please can you confirm this requirement has now been satisfied and that this condition is fully discharged.

Condition 5: A29 Pedestrian/ Cycle Link

Condition 5 states:

"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."

Please find attached plan Section 278 agreement plan (Mayer Brown drawing ref. LIDLBOGNOR.2/01) which provides the scheme detail pursuant to this condition. I would be grateful if you can confirm discharge of this condition, following confirmation with WSCC Highways.

Condition 9: Travel Plan

Condition 9 states:

"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."

Condition 9 was substantively discharged under application reference BE/156/20/DOC (for the submission and approval of a Travel Plan). However, under the decision letter associated with BE/156/20/DOC, the travel plan coordinator details were stated as being necessary to fully discharge the condition. We duly provide the travel plan coordinator details below:

Richard Broad
Principal Transport Consultant
Mayer Brown Ltd
Suite 501
Citypoint
Temple Gate
Bristol
BS1 6PL

We would be grateful if can confirm that condition 9 is now fully discharged.

Condition 13: Details of Electric Vehicle Charging (EVC) Spaces

Condition 13 states:

"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)." (Our emphasis added)

A previous application was submitted in support of discharging this application (ref. BE/156/20/DOC). However, this was refused by notice on the 21 January 2021. The reasons given for the refusal was that the

proposed EVC provision did not meet the requirements of the January 2020 'Parking Standards Supplementary Planning Document' (PSSPD).

The EVC provision in support of the discharge of this condition is provided with this application (see EVC Space details and specification – Drawing AD 110_REV D, One Design Architects). The provision is two rapid EVC spaces (served by a single charging unit) and 20% passive charging loops. This is considered to fully meet the requirements of Condition 13. This is because the officer's report makes clear that 2 rapid charging spaces and the passive loop in the front row of the car park is considered to be compliant with relevant local policy in this regard as 3 standard charges would not have been practical within a time limited foodstore car park.

The application of condition 13 was only necessary to formally agree the details of the EVC specification and not to re-consider the EVC provision, which had already been accepted. Indeed, this is evidenced by the fact that the level of car parking provision (and associated disabled, parent and child, EVC spaces) had been fixed by the approved proposed site plan. The position taken previously under application BE/156/20/DOC, would i.e. to retrospectively change the EVC provision, would conflict with the approved proposed site plan under planning permission BE/126/19/PL. This is because EVC spaces necessarily take up a greater area than standard parking spaces, and consequently lead to a reduced parking provision. The fact that the parking provision and layout was agreed with the case officer via discussions with WSCC, clearly indicates that the proposed EVC provision of 2 rapid charging spaces was fully agreed. In this case, it is only the *details* of the EVC spaces being agreed and not a re-visiting of the level of EVC spaces.

To support this view, we provide an email from WSCC in relation to another Lidl store at Billingshurst Business Park, Stane Street, Billingshurst. Whilst in Horsham District Council's area, it clearly illustrates that having regard to WSCC's EVC charging policy, they fully accept this level of EVC provision (i.e. two rapid chargers and 20% passive charging).

On this basis, it is considered that the proposed EVC details fully satisfy the requirements of this condition – as it was intended by the case officer – and that this condition should be duly discharged.

Conclusion

We trust that the accompanying information is sufficient to discharge the relevant conditions and there is therefore a compelling case for the granting of permission without delay. The information will also enable you to validate the application and look forward to receiving your confirmation in due course. Rapleys will be pleased to address any matters raised through the consultation process.

Please contact the undersigned in the first instance should you require any further information.

Yours sincerely



Daniel Wheelwright
Senior Associate
BA (Hons) MA MRTPI

Encls