

Recommendation Report for Approval of Reserved Matters Following Outline Approval

REF NO: BE/16/25/RES

LOCATION: Land at Oldlands Farm
Newlands Road
Bognor Regis
PO22 9NN

PROPOSAL: Approval of reserved matters following outline consent BE/150/22/OUT comprising of 3 No. units within Class B2 and/or B8 of the Use Classes Order (including ancillary office provision) with associated enabling works, parking, landscaping and sustainable drainage system with access off Newlands Road. This application is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application is for approval of reserved matters (appearance, landscaping, layout and scale), pursuant to planning permission BE/150/22/OUT for the demolition of the existing derelict building and erection of up to 18,580sqm of new industrial/warehouse (Use Class B2/B8) and ancillary offices (Use Class E (g)) floorspace with ancillary offices, associated car parking and landscaping.

A section 106 agreement accompanied the outline planning permission which stipulated the following financial contributions:

- Highways contribution towards improvements to the A29 Shripney Road and A259 Oldlands Way roundabout
- Travel Plan and monitoring contribution

An illustrative layout plan formed part of the outline application which showed the provision of one warehouse up to 18,580 sqm. The layout has developed since the outline approval and this submission sees the masterplan proposing three units within two buildings of varying floorspace. Further to this, and as part of the masterplan evolution, visual impact; Biodiversity Net Gain, transport and highway considerations; place making and flood risk and drainage were also considered.

As outlined above, the main elements of this reserved matters application are as follows:-

- Erection of two buildings, comprising three units, for use within Use Classes B2/B8 comprising (18,580 sqm), with ancillary offices.
- Car parking adjacent to each building providing 200 spaces

in total.

- Service yards adjacent to each building for loading/unloading and HGV manoeuvring.
- Landscaping comprising areas of retained and new landscaping along the site boundaries and within the site, including trees, hedges, shrub planting and grassed areas.
- Covered cycle shelters adjacent to each building.
- Bin storage to serve each building.
- Electricity substation to serve each building.
- Condenser compound to each building.

The application doesn't specify if individual units would be in B2 or B8 use as end users are unknown at this stage, therefore any unit could be used for any purpose falling within these Use Classes, however, a condition was imposed at outline restricting the use to ensure that the units shall not be used for any use whose primary purpose is the receiving; processing and distribution/delivery of parcels and packages ("a parcel distribution use") within Use Class B8 (Storage and Distribution) unless otherwise agreed in writing by the LPA in consultation with National Highways.

SITE AREA

5.2 hectares.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development, however, this is discussed in further detail in the relevant section.

BOUNDARY TREATMENT

The site features a varied boundary treatment consisting of wooden fencing, planting to the western boundary, trees to the north with some boundaries open.

SITE CHARACTERISTICS

The application site comprises undeveloped greenfield land which is currently in agricultural use.

CHARACTER OF LOCALITY

There is no overriding character within the locality. There are pockets of agricultural land beyond the site to the north with modern industrial and commercial uses adjacent to the site to the north-east, east and south. These comprise a Lidl store and Rolls Royce Technology and Logistics Centre. Beyond this lies an Amazon warehouse. These uses together with the application site form the entirety of the Oldlands Farm employment allocation (policy EMP SP3 of the Arun Local Plan).

Beyond the A29 to the west lies the Rowan Park Caravan and Motorhome Club campsite.

To the east of the site lies the local railway line running north to south with the village of Shripney beyond the site to the north.

RELEVANT SITE HISTORY

BE/150/22/OUT	Outline planning application with all matters reserved except access for the demolition of existing derelict building and erection of up to 18,580sqm of new industrial/warehouse (Use Class B2/B8) and ancillary offices (Use Class E (g)) floorspace.	App Cond with S106 05-10-23
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Pursuant to the outline approval, numerous discharge of condition applications have been received, discussed further within the report.

A number of other permissions have been approved within the wider site at Oldlands Farm.

REPRESENTATIONS

Bersted Parish Council - concerns over the extra high volume of distribution traffic due to the already overused highway which has increased since the Amazon Depot has been operating. Concerns with the impact of lighting on the Bersted Brooks Nature Reserve.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and will be considered in the conclusion to the report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health

- Subject to the reports being fully complied with including all mitigation, there are no objections.

WSCC Highways

- The LHA did not raise any objection to the original (BE/150/22/OUT) proposals subject to National Highways (NH) passing comment on the proposed usage of the site. From LHA's perspective capacity and distribution matters have previously been assessed and discussed as part of this proposal and the original BE/150/22/OUT application.
- There are some minor changes to the proposed three units over what was previously assessed under BE/150/22/OUT with a new pedestrian/cycle access to be provided along the access road connecting the site to the existing footway network on Newlands Road in line with LTN 1/20 guidance.
- The Visibility from the existing bellmouth onto Newlands Road is acceptable in both directions. In addition, the TN provides splay of 2.4 by 25 metres from each junction onto the main access spine road.
- Dropped tactile paving crossing points should be provided at each point of access across each access point.
- Satisfied with the 200 spaces proposed.
- Electric Vehicle (EV) charging points are provided within the site and demonstrate a total 63 parking spaces with active charging.
- A dedicated access to car club space has been provided. As outlined within the attached Travel Plan this will be with Mobilityways car sharing scheme.
- Secure cycle parking for both use classed has been confirmed within the TN and within the LPA standards. The overall site will offer showers, lockers, repair stations and changing spaces.
- The submitted travel plan is noted. This accords with the requirements of WSCC. The LHA is satisfied

with the information submitted in of this RM application. A suitable condition has been added at the below to cover off this point. Any approval of planning permission would be subject to conditions.

- Further comments stating the amended plan submission, 0601 Rev P01, which includes tactile paving, is welcomed. This negates the need for a condition.

Ecology

- Initially objected due to the failure to meet the recommendations of the Ecological Impact Assessment for birds, bats and reptiles. Following receipt of additional information, the original objection has been withdrawn. Explanations have been provided as to the departure from recommendations of the Ecological Impact Assessment (The Ecology Co-op, November 2022) for bats, birds and reptiles. The buildings are unsuitable for nesting and bat boxes and this is noted with alternative features proposed. The SUD's feature has been designed to be below ground so the attenuation basin and grassland sowing is not feasible.

- The lighting levels have been reduced to below 1 lux along the southern boundary. This is a significant reduction and is acceptable.

National Highways - No objections

Arun Engineers - Original objection due to failure to submit documents relating to surface water drainage. Following submission of additional details, further comments were received maintaining an objection.

WSCC Lead Local Flood Authority - Original objection due to failure to submit sufficient information in relation to flood risk and surface water drainage. The WSCC LLFA removed their objection based on the additional data and an amended site layout received.

WSCC Fire & Rescue - Advice provided with the request for a condition to be imposed relating to details of the fire hydrants.

Arboricultural Officer - Original comments stated that there are significant trees both on and off this site which could be adversely affected by the proposals with no supporting arboricultural information submitted with the application to guarantee such trees would be adequately respected and protected.

During the course of the application, additional information and plans were received, including tree retention; planting and protection. These show that there proposes the removal of 13 no. existing trees and 106 no. new trees planted (extra heavy standard 76 no. & Feathered 30 no.) within and to the peripheries of the site. There are therefore no arboricultural reasons to object to the scheme.

Parks and Landscape Officer

- The proposed landscaping would be largely unaffected by the incorporation of SUDs features. The detailed landscaping has proved details of an appropriate scheme to soften and assist in mitigating the proposals the scheme has incorporated a mix of native and ornamental trees and shrubs specified at an appropriate size at time of planting.

- Planting proposals include new native hedgerow planting to be used to create new boundaries around the site and will comprise of 50% hawthorn and additional native species forming the remainder of the planting mix considered acceptable.

- The soft landscape works and maintenance proposals for a 10 year period have been detailed within BCA Design Maintenance and Management Statement.

- The landscape detail contained within the above has been submitted in plan form with specification detail, legend and planting schedule. The information has provided detail regarding species type, overall planting quantities, planting densities and size at time of planting. The proposals detail a scheme which contains a good mix of native and ornamental species, appropriate for location and setting, creating a scheme which will give instant impact and that will mature as the scheme establishes.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and will be considered later in the report.

POLICY CONTEXT

Designation applicable to site:

- The application site is within the Built-up Area Boundary (Policy SD SP2).
- The site is a Strategic Employment Land Allocation (Policy EMP SP3).

DEVELOPMENT PLAN POLICIESArun Local Plan 2011 - 2031:

ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
QEDM2	QE DM2 Light pollution
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

Bersted Neighbourhood Plan 2014 Policy EE1

Business expansion

Bersted Neighbourhood Plan 2014 Policy ES1

Design of new development

Bersted Neighbourhood Plan 2014 Policy ES2

Surface water management

Bersted Neighbourhood Plan 2014 Policy ES5

Building design

Bersted Neighbourhood Plan 2014 Policy ES6

Protection of trees

Bersted Neighbourhood Plan 2014 Policy GA1

Pedestrian and Cycle Connections

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal complies with relevant Development Plan policies in that it would not give rise to unacceptable impacts which would warrant refusal of the application.

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

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

OTHER MATERIAL CONSIDERATIONS

There are other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

BE/150/22/OUT was approved with all matters reserved, except access, for the demolition of an existing derelict building and erection of up to 18,580sqm of new industrial/warehouse (Use Class B2/B8) and ancillary offices (Use Class E (g)) floorspace, therefore, the principle of use was considered to be in accordance with policies EMP SP1, EMP SP3 and SD SP2 of the Arun Local Plan and has already been established. It is now for the council to determine whether the appearance, landscaping, layout and scale (known as the 'Reserved Matters') of development proposed are satisfactory and in accordance with the relevant development plan policies. These matters are discussed below.

APPEARANCE, LANDSCAPING, LAYOUT AND SCALE (the Reserved Matters)

The reserved matters are about the design of the proposal and the National Planning Policy Framework (NPPF) sets out the Government's requirements for achieving well-designed places.

Policy D SP1 of the Arun Local Plan relates to Design and states that all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. It further states that major developments, or allocated sites in the Development Plan should provide, in addition to a Design and Access Statement, a context appraisal, context plan and analysis of the site.

Policy D DM1 of the Arun Local Plan requires that the Council seek to make the best possible use of land by reflecting or improving on the character of the site and the surrounding area. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area.

Policy ES1 of the BNDP2 relates to design of new development reiterates the principles of Local Plan policies D SP1 and D DM1.

The National Design Guide emphasises the Government's commitment to achieving high quality places and buildings. The document outlines and illustrates the Government's priorities for well-designed

places. These characteristics can be applied to proposals of all sizes, inter alia new buildings and major proposal. In a well-designed place an integrated design process would bring the characteristics together to create an overall character of place.

The application proposes 3no units located within two buildings, with each unit having dedicated servicing areas, car and cycle parking, bin storage and a substation with access provided to each unit from a central spine road. The two buildings proposed have a total floor area of 18,580 sqm with ancillary offices and landscaping adjacent to each building and parking areas adjacent to the site boundaries.

The proposed buildings differ in footprint and height and are outlined as follows:

Unit 1 is proposed as a standalone building to the south-eastern corner of the application site and is to comprise a steel framed, single storey warehouse. The unit is to comprise of 2,837 sqm in total of which 2,553 sqm is proposed to be warehouse; 284 sqm office space with 36 car parking spaces, 10 cycle spaces and loading facilities

Units 2/3 are to comprise one elongated building divided into two and is to be sited towards the west of the site and run parallel with the Shripney Road. A landscaping buffer is proposed between the units and Shripney Road.

Unit 2 proposes to be the largest of the units, adjoining unit 3 to the north and measuring 10,325 sqm in total of which 9,688 sqm is to be as warehousing; 637sq m of office space with the provision of 105 car parking spaces, 40 cycle spaces and loading facilities with manoeuvrability within the site for HGV's.

Unit 3 proposes 5,419 sqm in total of which 5,054 sqm is to be as warehousing; 365 sqm of office space with the provision of 58 car parking spaces, 20no. cycle spaces and loading facilities with manoeuvrability within the site for HGV's.

Condition 27 on the outline application states that the development will not exceed a maximum height of 15.74m above ground level or 19.232m Above Ordnance Datum (AOD). The units comprise a steel-framed, single storey warehouse which is sized to suit the operational requirements of potential occupiers and are designed as a standard portal frame to allow maximum flexibility in design for the end users operation. The heights of the units are confirmed as Unit 1: 12.627m ridge height above ground level & Units 2 and 3: 15.472m ridge height above ground level therefore in accordance with condition 27.

The appearance of the buildings, as set out in the Design and Access Statement, follow a consistent contemporary design and palette of materials that are intended to give the site a specific identity whilst replicating several elements that are featured on the adjacent site occupied by Rolls Royce, therefore allowing for some integration within the surrounding context.

The applicants propose a mix of cladding materials to add visual interest and break up the overall massing. The material palette comprises neutral colours (anthracite, white, grey and black hues). The main warehouses are proposed to be clad in a mixture of vertical and horizontal profiled metal cladding. The buildings feature shallow pitched roofs that will be hidden by a clad parapet wall which would be constructed predominantly in horizontally laid wall cladding in white. This type of cladding will help create a more interesting facade than flat panels and, with lighter colours to higher elements of the building to assist in reducing the perceived height.

The reception and office areas are to be positioned on the corners of the northern elevation of Unit 1 and both northern and southern elevations of Units 2/3 and will comprise aluminium curtain walling and glazing which would add a degree of visual interest and variation to the otherwise uniform treatment of

the elevations. The glazing wraps around the buildings for a small section to the side elevations and will be broken up with a contrasting horizontal micro rib wall cladding (anthracite). The use of glazing adds transparency to the facades and offers some natural surveillance.

The proposed buildings are modern, functional, and propose a good quality finish which will complement the adjacent Rolls Royce site and would create a clear identity to the development as a whole rather than a series of unrelated buildings of differing styles and therefore integrate well with the surrounding context.

Condition 4 of the outline permission required that no development above DPC shall take place until a schedule of materials and finishes to be used for external walls (and roofs) of the proposed building(s) had been submitted. A discharge of condition application was submitted and approved in so far as acceptability with the materials schedule. Details of their distribution on the elevations and roof are considered acceptable in its context and within this RM application.

The application proposes security fencing around the perimeter of the service yards and storage areas. This is proposed in the form of a 2.4m high paladin style fencing, finished in black. The proposed fencing is not commonplace within the wider locality, however, the siting of such will be wholly contained within the site ensuring limited visual prominence. Other security features within the site include Armco protective barriers; bollards and automatic rising arm barriers to each units access. In the context of the scheme, the service yards and fencing near prominent frontages of the site are limited and would not be unduly obtrusive in the street scene.

Given the siting and orientation of Unit 1, it is not considered to be visually obtrusive from the main A29 Shripney Road with only some elements visible from the Oldlands Way roundabout. Notwithstanding this, additional landscaping is proposed around the building along with the provision of a 2m high acoustic fence close to the site boundary to the south. Existing vegetation is to be supplemented with a mix of species which, along with the existing buildings within the Southern Cross Industrial Estate will aid visual screening when viewed from the south.

Units 2/3 comprises one building that would be sited parallel to the A29 Shripney Road. Due to a slight curvature in the road, the building is to be set back approximately 5m at its closest point to the back edge of the pavement. Whilst it cannot be contested that both gable end elevations, along with the western elevation would be visible from the main road, formal tree planting (18no. heavy standard trees of a mix of species, 4.5-5m in height along with 5no. feathered trees of mix of species, up to 2m in height) is proposed along part of the frontage. Further to this, hedgerow and thicket planting is proposed along the site boundary with other areas in front of the buildings comprising grassland wildflower seeded areas, ornamental shrub planting and native hedge.

The layout of buildings on this part of the site and their impact from the A29 is considered acceptable, taking into account the distance retained to the road along with existing and proposed landscaping.

Overall, the buildings are considered to be well proportioned, with an appropriate scale and siting taking into account the existing character of the site, location and context. The Units would feature well defined goods loading bays as well as windows which define the office areas as already discussed.

The service yards are located on the elevations that are inward facing to the main spinal access road and away from site boundaries. Car parking is proposed to northern and southern edges of the units. Where these are close to the edge of the site, soft landscaping is to be used to screen these as far as possible.

Whilst this site presently comprises relatively open agricultural undeveloped land, there are other large

industrial buildings in the locality which form the immediate context. These include the Rolls Royce Technology and Logistics Centre to the north-east with an Amazon Depot beyond and a Lidl store beyond Newlands Road to the north.

The application site is not a sensitive landscape and, in this context, buildings of this scale would not be out of place on this site. The layout and architectural treatment ensures a high quality scheme that will be appropriate in its context. Importantly the strategic location envisages significant employment development of this nature which would naturally be accommodated in buildings of this type, form and scale.

The proposals are therefore considered to be acceptable in terms of layout, appearance and scale.

LANDSCAPING/TREES

The outline application was accompanied by a Tree Survey and Report (November 2022) which identified a number of trees on site all of which are located on the boundaries, primarily to the northern and eastern boundaries. The survey and report identified that the development proposals could be achieved with little to no impact on the retained trees. However, to ensure this, conditions were imposed on the outline permission relating to protection of retained trees. Condition compliance will be addressed later in this section.

ALP policy D DM1 states development is expected to incorporate existing and new tree planting as an integral part of proposals. Policy ENV DM4 of the ALP requires development to protect and manage existing trees wherever possible. It also requires development to take a comprehensive view of tree issues at the early stages of the design process.

Policy ES6 of the BNDP2 relates to the protection of trees and that proposals should be accompanied by a tree survey that establishes the health and longevity of any affected trees and a management plan to demonstrate how they will be so maintained.

This reserved matters application has been supplemented with a Landscape Works Maintenance and Management Proposal along with detailed planting plans. Following concerns raised from Arun Engineers, the site layout was amended to incorporate SuDS features which led to superseded landscape details. Following consultation with the Council's Parks and Landscape Officer, it has been confirmed that the proposed landscaping would be largely unaffected by the incorporation of the SuDS features and that 3no trees have been repositioned within the proposals to accommodate the 3m offset required to the SuDS. These relate to 1no Acer campestre 'Streetwise' proposed to the west of the northern SuDS area and 2no Tilia cordata 'Greenspire' to the north of the northern SuDS area.

Landscaping details demonstrate an appropriate scheme to soften and assist in mitigating the proposals. This includes an incorporation of a mix of native and ornamental trees and shrubs specified at an appropriate size at time of planting. Planting proposals include new native hedgerow planting to be used to create new boundaries around the site. These hedgerows to be planted at a density of five hedge trees per linear metre and will comprise of 50% hawthorn, with additional native species forming the remainder of the planting mix. The formal hedge is a double row native mix that meets the recommended species composition and the majority of the tree species proposed are native species and extra heavy standards. There are no trees shown to the grassland area on the western boundary due to proximity of the Gas Main and this is accepted.

The proposals have also considered the proximity to the A29 and show how screening through the introduction of trees at a significant scale will provide instant impact. Further to this, and in areas where greater visual impact and amenity value are required, the design incorporates large specimen shrubs,

high-quality ornamental planting, and transitional shrub beds. A detailed planting schedule with planting plans is provided for the above planting across the site and the submitted Soft Landscape Works Maintenance and Management Proposals include details for its implementation and management.

Hard landscaping includes tarmac for the access roads; block paving for the car parks and concrete for the service yards given the need for durability. The footways linking the site will be constructed of tarmac whilst the footpaths internally are to be block paved. Although these materials cover significant areas within the site, they are predominantly between buildings with mainly the car parking areas closer to the perimeters of the site. Landscaping around the perimeter will assist in screening and softening the impact of these areas with landscaping within the site around car parking and service yard areas in the form of trees, hedges, ornamental shrubs and grassed areas to soften the impact of these areas as far as possible and provide an attractive environment.

In turning to arboricultural issues, the Council's Tree Officer raised original concerns due to a complete absence of information such that adequate assessment of the proposed development on existing trees and hedgerow could not be carried out. During the course of the application, additional information and plans were received including details relating to tree retention; planting and protection. These now clearly show the removal of 13 existing trees and the planting of 106 new trees (extra heavy standard 76 no. & Feathered 30 no.) both within and to the peripheries of the site.

The details submitted adequately consider the implications for the affected trees, given those impacted by any development are of low value (retention category C) in a planning context. The proposed tree removals are uncontroversial and easily mitigated by new tree planting within an updated detailed soft landscape proposal.

The proposals detail a scheme which contains a good mix of native and ornamental species, appropriate for location and setting, creating a scheme which will give instant impact and that will mature as the scheme establishes. The proposals demonstrate that the landscaping within the site along with additional tree planting would provide a high quality, attractive setting for the development, soften the impact of the buildings at the edges of the site and help integrate the development into its surrounding context. Conditions are recommended to ensure that the landscaping scheme is implemented in a suitable timescale and there is a schedule for its ongoing maintenance. The proposals are therefore acceptable from an arboricultural and landscape perspective and would accord with policies D DM1 and ENV DM4 of the ALP and policy ES6 of the BNDP2.

HERITAGE

Policy HER SP1 states that the Council will grant planning permission for development that either conserves or enhances the historic environment, meaning that development that significantly and adversely affects the historic environment will be refused.

Policy ES5 of the BNP states that the new design of new buildings should contribute positively to the historic character. Listed Buildings and their settings and Conservation Areas and their settings, will be conserved and enhanced to reinforce the quality and character of Bersted.

Shripney Conservation Area is located approximately 530m to the north of the application site and contains a number of listed buildings. The site is separated by some built form, mature trees, the A29 and Salt Box Roundabout. Whilst the masterplan submitted with this application differs from the illustrative plans approved at outline in that the main building has been reduced in floor area and an additional unit (Unit 1) has been proposed, officers are satisfied that the proposed development is not so significantly different, given the siting of the additional building and its proximity to the nearest heritage asset. The impact of the full quantum of development on the heritage assets was considered through the

outline application to which this reserved matters application relates. It was found at outline stage that the proposal would not give rise to any harm to the setting or significance of any designated or non-designated heritage assets. There is no basis for these conclusions to be revised and as such the proposals are acceptable on heritage grounds.

Therefore, the development will accord with the requirements of policies HER SP1, HER DM1, HER DM3 and HER DM6 of the Arun Local Plan, policy ES5 of the BNDP2 and the NPPF.

ACCESS, SUSTAINABILITY AND HIGHWAY MATTERS

The impact of the proposed development on the local road network was considered through the outline application to which this reserved matters application relates and found to be acceptable, therefore there is no need to further consider traffic impacts arising from the use of the site for B2/B8. A condition was imposed on the outline permission to prevent the use of the site as a 'parcel distribution centre' (B8 Storage and Distribution) due to highway implications, unless otherwise agreed in writing with the LPA following consultation with National Highways.

The proposed access to the site will be via the main estate road (Newlands Road) which serves the existing commercial and industrial uses operating from the wider site. Newlands Road was approved as part of the Rolls Royce development and is accessed from the A29/Fontwell Relief Road roundabout. WSCC Highways have confirmed that there are some minor modifications to the radius of Newlands Road including a reduction in the radius to 8.0m with central hatching added. Swept path diagrams have been demonstrated and visibility from the existing bellmouth onto Newlands Road is accepted.

An amended site plan to include tactile paving was submitted during the course of the application that addressed original comments from WSCC Highways and therefore negates the need for a condition to be imposed.

Car Parking

The site layout shows how parking will be accommodated within the site. Due to the proposed use being for general industry and distribution and storage with ancillary offices, it is difficult to determine the most appropriate car parking standard to use, however, this was discussed at pre-app stage where a parking space per 70 sqm was agreed for the B2 usage and one parking space per 93 sqm for the B8 use.

Plans have been submitted which show car parking for 200 vehicles; 10no disabled car parking spaces and 18 HGV parking spaces across the 3no units. WSCC Highways have confirmed that given the circumstances and the unknown nature of future occupiers, the proposed provision of parking spaces is acceptable.

Cycle Parking

Cycle parking is to be provided in the form of 'Sheffield type' stands within a covered cycle shelter positioned at the edge of each car park and near to the main entrance of each unit. The shelter would be an open sided, curved structure to be powder coated in black.

The standard requirement is 1 space per 500sqm for staff and 1 space per 1,000 sqm for visitors, which would generate a requirement for 55 cycle parking spaces. 70no. cycle spaces have been incorporated as part of the proposals, therefore, the number shown is well in excess of this requirement and complies with the ADC Parking Standards SPD, Arun Local Plan Policies T SP1 and T DM1 and GA1 of the BNDP2.

FLOOD RISK AND DRAINAGE STRATEGY

ALP policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SuDS) as appropriate to the size of development. Policy ES2 of the BNDP2 requires new development to make appropriate provision for accommodating the surface water arising from the development.

The application site falls within flood zone 1 and the outline application was accompanied by a Flood Risk Assessment and Drainage Statement. A number of comments were raised seeking clarification on several points along with seeking further infiltration testing. However, given that the application was in outline form, it was not possible to secure drainage details and design with numerous conditions imposed relating to the submission of a surface water drainage scheme, sustainable drainage scheme, foul drainage and the subsequent maintenance and management and details surrounding discharge to watercourses.

Drainage is not defined as a reserved matter by The Town and Country Planning (Development Management Procedure) (England) Order 2015. This application seeks approval of the scale, layout, appearance and landscaping of the associated surface water drainage infrastructure.

Drainage designs can significantly influence the layout, scale and appearance of the development itself, the developable areas, and the quantum and detailing of landscaping. Equally, the layout of a development can impact the required drainage designs in the same way. This symbiotic relationship is acknowledged in the SuDS manual which highlights the need for continual assessment of the layout in regard to working up detailed designs and ensuring that drainage is integral at the beginning of the design process.

Initial objections were raised from both WSCC LLFA and Arun Drainage Engineers on the grounds that no documents had been submitted to support the application with reference to surface water drainage along with insufficient information received relating to winter groundwater monitoring and infiltration testing.

During the course of the application, an amended site layout was received which shows the provision of additional flood storage with above-ground SuDS features introduced into the layout and additional technical data was also received. Conflicts between SuDS features and function of the intended pond have been addressed along with receipt of a complete set of hydrological modelling outputs. Based on this, WSCC LLFA removed their objection. It is to be noted that there is still an outstanding objection from Arun Engineers, however, the LPA have recently sought a legal opinion to ascertain whether it is permissible to consider drainage issues through a reserved matters application when they were considered and conditioned at outline stage. It has been confirmed that as drainage is not a reserved matter under the statutory definition, refusal of reserved matters on drainage grounds would not be lawful. Further to this and following the recent judgment (CG Fry and Son Ltd), it is not permissible to impose new drainage-related conditions at the reserved matters stage unless they fall within the statutory definition of reserved matters, which, as already referenced, they do not.

Conditions 22 (submission of a surface water drainage scheme) and 24 (maintenance and management of the surface water drainage system) of the outline permission are pre-commencement and remain outstanding and will be subject to separate review.

The concerns raised by the Council's Drainage Engineers have been reiterated to the applicant, and it has been made clear that Officer's maintain concerns as to the ability of the applicants to adequately address these concerns within the constraints of the proposed layout. However, it is ultimately the applicant's responsibility to ensure that the layout as proposed can accommodate a suitable drainage

scheme which accords with relevant development plan policies and complies with the overarching principles set out within the conditions. Therefore, all matters pertaining to surface water drainage will be considered as part of the discharge of condition application. Should the applicants have difficulty discharging the condition due to the layout proposed, then they will need to apply to amend the reserved matters details.

FOUL DRAINAGE

Application BE/104/25/DOC was approved relating to foul drainage. The drainage report submitted demonstrates the proposed connection plan and the submitted details are considered satisfactory. An approval for the connection to the public sewer should be submitted under Section 106 of the Water Industry Act.

BIODIVERSITY

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site.

Policy ENV SP1 confirms that Arun District Council will encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment through the development process and particularly through policies for the protection of both designated and non-designated sites. Where possible it shall also promote the creation of new areas for habitats and species.

Concerns were raised that there were no SUDs features identified within the submitted site plans for this application. It was originally confirmed that the attenuation for the site was designed below ground during the detailed design, however, during the course of the application, additional flood storage and above-ground SUDs features have been introduced into the drainage layout.

Neutral wildflower meadow grassland will be established in new greenspace areas. Details have been provided stating that the proposed seed mixture containing 29 native grass and wildflower species is acceptable.

New native hedgerow planting will be used to create new boundaries around the site. These hedgerows will be planted at a density of five hedge trees per linear metre and will comprise of a mix of species with no less than five additional native tree species forming the remainder of the planting mix. The formal hedge is a double row native mix that meets the recommended species composition. Details of this are provided and are acceptable.

Concerns were raised in respect of under provision of bat and bird boxes. Details were submitted during the course of the application stating that there are no roosting opportunities currently present within the site with the building design not suitable for using built in bat and bird boxes. The BES (Tetra Tech, 2025) shows that four bat boxes are to be installed on poles (2 per pole) within the south-eastern corner of the site and located in the part of the site where native scrub planting is being created and is connected to suitable commuting and foraging habitats off site. Further to this, four general purpose bird boxes are to be installed within appropriate areas around the site. The proposed native scrub planting as part of the landscape design will provide a significant amount of suitable nesting habitats for birds so will be a significant enhancement. Although the building mounted boxes are not able to be installed the general-purpose bird boxes and scrub planting will significantly enhance the site for nesting birds. The Council's Ecologist accepts the alternative features proposed within the site.

There are no trees on grassland area on the western boundary because of the Gas Main and this is considered to be acceptable. Reptiles will be displaced to a greenspace buffer area fenced off from the

rest of the site prior to construction works commencing, with this work detailed and carried out according to a detailed Method Statement. The establishment of this receptor area prior to the commencement of construction will be essential to ensure that the habitat supporting them has matured. Condition 17 of the outline permission related to the submission of a CEMP (Construction Environmental Management Plan). Application BE/76/25/DOC has been subsequently approved with the reptile mitigation addressed through this condition.

Concerns were raised from the Ecologist in respect of access for maintenance of the grass areas particularly on the southern end of the site. It has since been confirmed that the landowner has access to land to the south of the proposed hedge which provides sufficient access for management and maintenance and overcomes the concerns raised.

Details of the acoustic fencing specification on the east side were submitted and the Council's Ecologist has confirmed that the specification and installation of the fence is of low impact to any adjacent planting as the specification provided shows it is installed using a line of posts.

RESIDENTIAL AMENITY

Outline planning permission reference, BE/150/22/OUT for the use of the site for B2, B8 and E(g)(i) use was considered to be acceptable in principle. Under the current application, consideration needs to be given to whether the layout, scale, appearance and landscaping of the proposed development would be acceptable in terms of its impact on residential amenity.

There are a few residential properties in the immediate vicinity of the site, namely Oldlands Farm Cottages to the south-east whilst Rowan Park caravan park lies beyond the A29 to the west.

Unit 1 is sited to the south-eastern part of the site which is nearest Oldlands Farm Cottages and would be positioned at a distance approximately 80m away. This unit proposes to be 12.6m high. A landscape buffer comprising retained and additional trees along the south-eastern corner of the site along with the provision of an acoustic fence approximately 2.75m high atop of a 3m earth bund which will be sited 40m from Oldlands Farm Cottages.

Units 2/3 are to be sited running parallel to the main Shripney Road but with a set back of approximately 12m from the road frontage. The unit proposes to be 15.47m in height with the dual carriageway intervening. A landscape buffer to the western edge comprising additional vegetation (hedgerow, thicket and trees) is also proposed.

Condition 27 of the outline permission states that the development shall not exceed 15.74m in height in the interests of amenity. Both units do not exceed the height restriction and therefore in accordance with the aforementioned condition.

The details of the reserved matters do not raise any issues of impact on privacy or sense of enclosure, increased crime or loss of light due to the design and distance from the nearby residential properties. Furthermore, given the size, siting and design of the proposed development and its relationship, including separation distances, to neighbouring residential properties, it is not considered it would result in any adverse effects of overshadowing or have an oppressive appearance.

Having regard to the above, the proposals are acceptable in terms of residential amenity in accordance with policies QE SP1 and D DM1 of the Arun Local Plan and national planning policy contained within the NPPF, including paragraph 135.

NOISE

Noise impacts were assessed at outline stage for which Environmental Health confirmed that they were satisfied that data, calculations and findings for HGV noise, break out noise from the building, and noise levels for the building services plant were reliable. In addition, further comments were submitted recommending that all activities associated with B2/B8 use including deliveries and loading/unloading must take place within the building with no specific conditions imposed. Noting that this application differs from that approved at outline with it being evident from the plans submitted that not all loading and unloading would take place within the building. Further comments were therefore requested from the Council's Environmental Health Officer who has stated that the noise from the HGV deliveries should comply with the current guidelines whilst the noise from any forklift trucks would be much lower, and therefore would also comply.

The application proposes inward facing service yards combined with landscape buffers, bunding and an acoustic fence to help limit any adverse noise impact within the surrounding area.

Having regard to the above, the proposals are acceptable in terms of residential amenity in accordance with policies QE SP1 and D DM1 of the Arun Local Plan and national planning policy contained within the NPPF, including paragraph 135.

LIGHT POLLUTION

Policy QE DM2 of the Arun Local Plan identifies that planning permission for developments which involve outdoor lighting must be accompanied by a lighting scheme. At outline, a condition was imposed that required for a scheme for external lighting to be submitted and approved prior to any external lighting being provided. Condition 13 on the outline approval stated 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.

The Council's Ecologist originally raised concerns that despite lighting having to be addressed through discharge of condition 13 on the outline permission, there were concerns regarding the lighting as submitted as it failed to meet best practice for bat friendly lighting. A reduction in the number of lights and lux levels was requested, particularly along the southern boundary. Additional details were submitted demonstrating that the lighting levels had been reduced to below 1 lux along the southern boundary. The Council's Ecologist has confirmed that this is a significant reduction and is therefore acceptable. Further to this, the Council's Environmental Health Officer confirms that there are no objections to the application following review of the lighting assessment by CPCW ref:240907 provided it is fully complied with.

Condition 13 of outline permission BE/150/22 states 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. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.'

The lighting scheme shall be designed to meet biodiversity requirements and shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

COMPLIANCE WITH OTHER OUTLINE CONDITIONS:

It has been established by case law that applications for the approval of reserved matters must be within the ambit of the outline planning permission and must be in accordance with the conditions annexed to the outline planning permission. Certain conditions imposed by the outline set parameters for the nature and form of the Reserved Matters submission and these are analysed below. When determining whether reserved matters fall within the ambit of an outline planning permission the courts have allowed a little freedom of interpretation with the usual test being whether any changes make a material difference to the essence of what was approved.

Condition 5 of the outline permission required submission of details relating to the provision of EVPs. Application BE/21/25/DOC was refused due to prematurity with the reserved matters application undetermined at that stage. The site plan accompanying this application demonstrates in excess of 30% of parking spaces to provide EV charging points. A subsequent application, BE/95/25/DOC, was submitted and subsequently approved.

Condition 6 required for at least 10% of the predicted energy demands of the development to be secured from decentralised and renewable or low carbon energy sources. A discharge of condition application was submitted and approved (BE/22/25/DOC) to comply with condition 6 of the outline permission that required details to demonstrate that energy demand will be secured through the use of Solar PV Panels, and Solar Thermal Panels. This demonstrates over 10% energy generation from renewable energy sources for contribution to demands across the site in accordance with policy ECC SP2 of the ALP and EE9 of the ALNDP2.

DEVELOPER CONTRIBUTIONS AND CIL

The outline permission is subject to a S106 agreement requiring:

- A financial contribution of £121,520 towards the A29/A259 Felpham Road roundabout.
- The submission of a Travel Plan along with monitoring and review.

Details state that the Travel Plan is to be submitted prior to commencement of development along with the Travel Plan monitoring contribution. This payment has not yet been triggered as development has not commenced on site. Further to this, the trigger for the implementation of the Travel Plan and the highways contribution is prior to first occupation. These payments have not yet been triggered as development has not been occupied.

These obligations remain in place and are unaffected by this application for approval of reserved matters.

CONCLUSION

The adopted masterplan identifies the site for employment and the outline planning permission permits B2 & B8 uses. The proposal does include office use (E(g)(i) but this is ancillary to the other uses.

The proposal will help deliver a range of new employment buildings within the district in accordance with the outline planning permission and policies EMP DM1 and EMP DM2 of the Arun Local Plan.

The proposed layout, appearance, scale and landscaping of the development is acceptable and provides for a series of well orientated buildings which respond well to their context and surroundings. The appearance of the buildings is acceptable and akin to similar contemporary employment schemes.

Despite an outstanding objection from Arun Engineers, drainage is not defined as a reserved matter as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015 and any concerns about drainage, should be addressed at the condition discharge stage, not

through this reserved matters application.

Therefore, the application is recommended for approval subject to the below conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

COMPLIANCE WITH SECTION 106 DETAILS

The submitted Planning Statement includes a "Statement of Conformity with S106" which sets out that there are no conflicts between the reserved matters submission and the s106 agreement.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following submitted plans:

- Site layout, as amended, 0601 Rev P09
- EV CBE charging provision 0602 Rev P02
- External fencing and provision 0701 Rev P04
- External surfaces Plan 0702 Rev P05
- Cycle shelter details 0703 Rev P03
- Ancillary building details 0704 Rev P03
- Detailed Planting Plan 1 of 2 2380-24-02 C Rev 06
- Detailed Planting Plan 2 of 2 2380-24-03 C Rev 06
- Tree Retention, Protection & Removal Plan 2380-24-04 C Rev 02
- Unit 1 Building Layout 1001 Rev P02
- Unit 1 Office Layout 1002 Rev P02

- Units 2 & 3 Building Layouts 1021 Rev P02
- Unit 1 Elevations 1301 P03
- Unit 1 Roof Layout 1003 Rev P01
- Unit 1 Warehouse Section 1101 Rev P01
- Units 2 & 3 Elevations 1302 Rev P03
- Units 2 & 3 Office Layout 1022 Rev P01
- Units 2 & 3 Roof Layout 1024 Rev P01
- Units 2 & 3 Warehouse Section 1121 Rev P01
- Finished Levels 0600 A4 Rev C03
- Earthworks Strategy 0630 A4 Rev C02
- Topsoil Strip Strategy 0631 A4 Rev C02

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1, QE SP1 and T SP1,

2 No part of the development shall be first occupied until the road(s), footways, crossing points and casual parking areas serving the development have been constructed, surfaced, and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of road safety and in accordance with Arun Local Plan policy T SP1.

3 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.

Reason: To encourage and promote sustainable transport in accordance with Arun Local Plan policy T SP1.

4 All landscaping in accordance with the approved Detailed Planting Plan 1 of 2 2380-24-02 C Rev 06 and Detailed Planting Plan 2 of 2 2380-24-02 C Rev 06 shall be completed / planted during the first planting season following practical completion of the development. The development shall be carried out in accordance with the details approved.

Reason: In the interests of amenity and the environment of the development in accordance with policies D DM1, OSR DM1, and ENV DM4 of the Arun Local Plan.

5 Prior to first occupation of the development hereby permitted, details of the acoustic fencing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained in perpetuity.

Reason: In the interests of amenity of the development in accordance with QE SP1 and QE DM1 of the Arun Local Plan.

6 INFORMATIVE: This decision notice should be read with the outline planning permission dated 5th October 2023; reference BE/150/22/OUT. You are reminded that the conditions attached to that permission apply to this development.

7 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a

result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

8 INFORMATIVE: This permission does not formally discharge any of the drainage conditions imposed on the outline planning permission and separate applications will be required to discharge these. In addition, the applicant should note that this layout has been approved without agreement of WSCC Drainage Engineers and therefore if it subsequently becomes clear that the drainage conditions cannot be agreed due to the layout not providing sufficient space for drainage then a new reserved matters application will need to be submitted. Please also note that any future submission to seek a discharge of the drainage conditions must be accompanied by full details in accordance with the guidance and checklist here <https://www.arun.gov.uk/surfacewater>.

9 INFORMATIVE: All other conditions on the outline that require approval in writing will require separate applications to be submitted to discharge these conditions.

10 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981 (as amended), with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.