

REPORT UPDATE

Application No: BE/73/14/PL

Reason for the Update / Changes

Reason for Update/Changes:

Additional Representations:

Trees & Landscape Officer - There is limited landscaping / screening along the railway side of the proposal between the proposed planning at the north and the SUDS area. In addition there is no screening proposed to the north of Unit 2 - any screening in this area will help to reduce the scale of the building. Similarly there is no landscaping proposed around or integral to the car parking areas. In each of these cases further planting should be provided to allow for improved screening and setting for the development.

Coast to Capital Local Enterprise Partnership - Support proposals

- Delighted to support proposal that demonstrates a very exciting and significant initiative
- Proposals align with business development component of Strategic Economic Plan
- Will provide additional support to efforts to improve investment, job creation and prestige to Bognor Regis.
- Will support regeneration and skills in the area and investment in Bognor Regis

North Bersted Action Group - Strong support

- Essential that job creation takes place alongside new residential development
- Will contribute to the major aim of the emerging Local Plan in reversing out-commuting

Officers Comment:

Following receipt of the officer report, the applicants have made representations in respect of recommended condition 3 (which is also repeated in error at condition 26). The applicant states that the condition is not supported by a genuine planning reason and does not seek to solve a specific problem. They state that they have submitted highways related evidence to show that any increase in floorspace (that could be developed as permitted development) would not result in a detriment to highway safety or capacity and that the future occupant requires flexibility afforded by the permitted development order.

Your officers have consulted with officers of WSCC (highways) as well as planning policy colleagues who are preparing the Local Plan and Local Development Order. As a result of these conversations, your officers have accepted that the condition should be removed and it is therefore no longer recommended to include this condition within the recommendation.

Since the publication of the report, the applicants have submitted a large amount of additional documents. This is set out as follows;

- Revised site location plan which extends the proposed flood compensation area to the north by 0.66 hectares because of the presence of a gas pipe identified within the western area of the flood compensation area.
- Additional walk over ecological surveys as a result of the slightly amended flood compensation areas.
- Further landscape drawings submitted in response to the Trees & Landscape Officer

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comments (see above). Additional landscaping is now proposed along the eastern boundary, additional tree planting incorporated in front of unit 2 on the north western boundary and additional landscaping has been incorporated.

As a result of the above, it is necessary to amend recommended condition 2 that lists the approved plans. The amended list would now read;

Site Location Plan 30699 PL 100D;
Site Layout Plan 30699 PL 101D;
Existing Site Plan 30699 PL 103A;
Roof Plan 30699 PL 102A;
Unit 1 Floor Plans 30699 PL 110A;
Unit 2 Floor Plans 30699 PL 111A;
Unit 1 Elevations and Section 30699 PL 120A;
Unit 2 Elevations and Section 30699 PL 121A;
Gatehouse 30699 PL 125A;
Battery Store 30699 PL 126;
Unit 1 Coloured Elevations 30699 PL 135;
Unit 2 Coloured Elevations 30699 PL 136;
Phase 1 Site Layout Plan 30699 PL 104C;
Phase 2 Site Layout Plan 30699 PL 105C;
Hard Landscaping 1606-L02-02L;
Planting Proposals 1606-L02-03H
Detailed Planting Scheme/ Management Plan (Rev E)

The applicants have stated that, where possible, landscaping has been incorporated within the car parking areas and that there is insufficient room for any landscaping on the northern boundary between the building and the edge of the site.

Committee will see that there is no such landscaping proposed within the car parking areas. Further, the Council's Trees & Landscape Officer has commented that there is no reason why landscaping cannot also be incorporated on the northern boundary (it does not have to be substantial trees to be of visual benefit). Therefore, it is proposed that recommended condition 19 be amended to require a landscape scheme to be agreed because the submitted scheme remains unacceptable. The condition would therefore read;

No development shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance

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with policy GEN7 of the Arun District Local Plan.

Updated landscape and flood information was only received on 22 August 2014 and the Environment Agency and ADC Engineers have also been consulted on the above. No responses have been received to date. It is therefore necessary to amend the recommendation to seek delegated authority to the Assistant Director to grant planning permission subject to the conditions set out in the officer report (with condition 3 and 26 deleted and condition 19 amended) following receipt of responses to this additional consultation.

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

BE/73/14/PL

Recommendation Report for Planning Permission

REF NO: BE/73/14/PL

LOCATION: Land at Oldlands Farm
Shripney Road
Bognor Regis

PROPOSAL: 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

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application is for full planning permission to redevelop part of the Oldlands Farm site to provide two industrial / distribution units extending to 38,099 square metres gross internal area (GIA).

SITE AREA

16.02 hectares

RESIDENTIAL DEVELOPMENT DENSITY

n/a

TOPOGRAPHY

The site slopes gently from west to east with the eastern part of the site lying approximately 1.5 to 2.0 metres below the ground levels adjacent to the A29 road.

TREES

None of any significance affected by the proposal.

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BOUNDARY TREATMENT

The Northern boundary is currently not defined by landscape features, but will be formed by the A259 Northern Relief Road as it arcs northeast and crosses the railway track, segregating the site from the fields to the north. The area to the north of A259 Northern Relief Road and south of the village boundary will form part of the Flood Compensation Area.

To the east: The site boundary is defined by the Barnham/Bognor Regis railway line to the east, immediately beyond the railway is open farmland, the former LEC airfield and Lidsey Rife network, which is allocated as a Strategic Employment site and Biodiversity Opportunity Area.

To the west: 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 northwestern corner of the site is bound by the new A259 Northern Relief Road.

To the south: To the south lies a track which serves the Oldlands Farm buildings which are partly derelict, and adjacent No 1 & 2 Oldland cottages all of which lies within the applicants control.

Immediately south of the site's southern boundary is the Southern Cross Industrial Estate containing large industrial warehouses, buildings, offices (use classes B1- B8) and a fast food restaurant.

SITE CHARACTERISTICS

The site is a 'greenfield' location and is "Best and Most Versatile" Agricultural land.

CHARACTER OF LOCALITY

Oldlands Farm is located on the northern edge of the Bognor Regis built up area. It lies adjacent to the northeast of the A29 Shripney Road/Rowan Way roundabout, and south of the Northern Relief Road in Bognor Regis, which is under construction. The surrounding development immediately adjoining the site is the Southern Cross Industrial Estate, which consists of a number of industrial and retail uses in the northern part of Bognor Regis.

The site is linked to Bognor Regis town which is 2.3kilometres to the south via the A29, and will be linked directly to Felpham in the east and North Bersted in the west by the construction of the A259 Bognor Northern Relief Road (BNRR).

The Oldlands Farm is farmed arable land consisting of grade 2 agricultural land classification. It is included within the settlement of Bognor Regis as defined by the Council through Policy GEN 2 in the Local Plan 2003. The Oldlands Farm site straddles two policy areas in the 2003 Local Plan namely Policy Site 5 and Site 6. Site 5 (11.2ha) allocates land at Oldlands Farm as a 'Commercial' area, whilst Site 6 (11.25ha) is reserve land for future employment development adjacent to the railway for a business park.

RELEVANT SITE HISTORY

BE/1/08/	Outline application for mixed use employment (Class B1 high quality business park comprising up to 19,500 SQM gross floorspace) and retail (Class A1 grocery store up to 4,459 SQM net sales area) together with parking, new highway & associated servicing, infrastructure & landscaping - This application is a departure from the development plan and is accompanied by an environmental statement	Refused 19-12-2008
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 19-03-2014

The 2008 planning application BE/1/08 was submitted on behalf of ASDA relating to the whole of Site 5, for a mixed-use employment and retail development, composed of a high quality business park of 19,500sq.m and a food store of up to 4,456sq.m (Ref BE/1/08). This was refused in December 2008 for the following reasons as stated: 'Locating a retail element on land not allocated for this purpose was felt to represent an unacceptable loss of employment land and be prejudicial to the comprehensive development of the site as a whole'. ASDA still retain control over 3.24ha of the land, to the west of the development site, whilst the developer, Hanbury Properties, retain control of the remaining land.

Application BE/61/13 was approved in March 2014 granting planning permission for a hybrid application for (1) Full planning permission granted for access road and flood compensation area (2) outline planning permission granted for 33,116 square metres of mixed commercial and industrial uses, comprising A1, A3, A5, B1, B2 and B8 with associated works and landscaping.

REPRESENTATIONS

Representations received:

Bersted Parish Council

Bersted Parish Council - No objection

Bognor Regis Regeneration Board - Support

- Application is welcomed as an important contribution to the economic development of Bognor Regis.
- Application needs to ensure planned and coordinated delivery of the Enterprise Bognor Regis sites.
- Contribution towards north-south link road from the Bognor Regis Relief Road to Felpham Roundabout is requested.
- Application should clarify how many permanent/full time jobs will be created
- Major new employers in Bognor Regis should include a commitment to an improvement in local educational and skills base including commitments on apprenticeships, job placements and work experience and vocational training.
- Local businesses should be given the opportunity to directly benefit from new investment including construction and longer term supply arrangements.
- Bericote should sign up to Developer and Partner Charter.

2 Letters of Objection

- Too many factories not employing local people.
- Many employees have zero hour contracts and agency staff which do not support Bognor Regis financially and will not support our shops.
- Many local companies do not have a commitment to employing local residents that funds the town's economy.
- If ADC had any genuine interest in welfare of local working population or income of small shops then they would find planning restrictions that encourages better employment practices.
- Local employment needs to be taken seriously to ensure people can afford to pay rent.
- Wages exceeding 30 hours would ensure there is surplus money around town for restaurants, pubs and small shops.
- Zero hour contracts would cause a burden on the council for housing benefit required to subsidise the low wage workforce.

WYG on behalf of Sime Darby London Limited

- Own LEC airfield to the east of the site.
- ADC have made it clear that it wishes to see the LEC airfield being brought forward as part of a comprehensive vision and masterplan for the wider enterprise area.
- Emerging Local Plan seeks to safeguard links between Felpham Way and the Northern Relief Road.
- Proposed link road would open up the LEC Airfield for employment land use and provide an alternative access for vehicles, bicycles to the town centre, sea front and key destinations.
- No reference in the application being used to fund the costs of delivering the Link Road.

- Policy Dev 8 and EMP2 SP2 justify infrastructure contributions to deliver new infrastructure to meet the requirements of business that can provide wider benefits for the sub-region.
- Planning application fails to demonstrate how it will contribute to the funding of the road, thereby prejudicing the remainder of the Enterprise Zone.
- Application fails to deliver the site in a comprehensive and co-ordinated manner as required under Policy Site 6.
- The application does not offer any explanation as to why the least constrained part of the allocation cannot be development as part of the current application.
- The applicants state that elements of the previous scheme (BE/61/13) will come forward. If the Bericote application is approved and implemented there will no longer be the need for the enabling development to fund site infrastructure.
- Bericote application is a standalone scheme and would mean that the Hanbury outline permission could not be implemented and that a fresh application would be required.
- Applicants have not complied with the legal duty imposed on them under section 122 of the Localism Act to undertake pre-application consultation.
- Occupier should be identified.

Comments on Representations received:

The applicant have forwarded a letter to the Council which addresses the issues raised by WYG. The following key points were raised:

- The east/west link road referred to by WYG, which is being brought forward to enable development at the LEC site, would not be necessary to make the proposals acceptable at Oldlands Farm, nor is the link road directly related to the proposals. Requiring the Applicant to contribute towards this road would not therefore meet the tests for planning obligations as set out in CIL Regulation 122.
- The sections of the Emerging Local Plan relevant to the proposed development, specifically Employment and Transport, have since been included in the summer 2014 Version of the Local Plan, which has not yet been published but was approved by the Local Plan Sub Committee at a meeting on 31 July 2014. These sections will not be presented to the Full Council until September 2014 and are not currently material considerations, holding no weight for decision making purposes.
- The requirement to consult under Section 122 of the Localism Act requires consultation on proposals for the installation of wind power for energy production.

The remaining two letters of objection broadly urges the Council to ensure that the planning application will have the strongest possible economic multiplier effect on the District's economy. They correctly identify that securing well paid jobs on the site is likely to have a positive effect on restaurants, pubs and small shops. Unfortunately, it is beyond the Council's planning powers to prescribe the employment practices that an employer chooses.

CONSULTATIONS

WSCC Strategic Planning
Highways Agency
Southern Water Planning
Environment Agency
Parks and Landscapes
Arboriculturist
Environmental Health
Engineering Services Manager
Engineers (Fluvial Flooding)
Economic Regeneration

Head of Planning Policy & Cons
Natural England

Consultations responses received:

WEST SUSSEX COUNTY COUNCIL HIGHWAYS- awaited

Highways Agency - no objection

WEST SUSSEX COUNTY COUNCIL ECOLOGY- no objection

No objection to the proposals subject to the imposition of a suitably worded condition.

The County's Ecological Officer recommends suitable condition regarding ecological surveys and an ecological enhancement scheme.

WEST SUSSEX COUNTY COUNCIL ARCHAEOLOGY- no objection

No objection subject to programme of an archaeological mitigation strategy prior to the commencement of development.

No objection to the proposals subject to a planning condition to provide for archaeological monitoring and recording.

ENVIRONMENT AGENCY 1st Response - non objection/further information required

Further information is required regarding the capacity of the proposed flood compensation area to cater for the proposed development. Concern exists about the existing water table levels and the depth required to be excavated for the flood compensation area.

Concern exists that the site has potential to increase flood risk for other adjoining sites should capacity be insufficient in the flood compensation area.

ENVIRONMENT AGENCY 2nd Response - no objection

The applicants have provided further detailed information that demonstrates that the groundwater levels are below the base of the flood compensation area. This resolves the previous concerns.

We recommend that developers should: 1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination. 2. Refer to the Environment Agency Guiding principles for land contamination for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.

The EA would like to refer the applicant/enquirer to our groundwater policies in Groundwater Protection: Principles and Practice, available from our website. This sets out our position for a wide range of activities and developments, including the discharge of liquid effluents, land contamination and drainage.

Suggests a number of conditions.

SOUTHERN WATER - no objection

- Inadequate capacity in the local network to provide foul sewage to service the proposed development and a requisition should be made to deliver the appropriate infrastructure.
- Initial investigation indicates that they can provide surface water disposal to service the proposed development.
- A formal application for connection to the public sewer will be required.

ARUN DISTRICT COUNCIL ENGINEERING DEPARTMENT- no objection subject to conditions.

- SuDS system must be investigated for surface water disposal, and soakage structures must be fully investigated before considering a discharge to existing watercourses.
- Infiltration rates for soakage structures are to be based on percolation tests undertaken in winter period.
- The percolation tests and design must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change.
- Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design.

ARUN DISTRICT COUNCIL TREES AND LANDSCAPES OFFICER 1st response - Further Information Required

- A comprehensive landscape assessment submitted with the proposal has sufficiently assessed the landscape impacts and proposed adequate mitigation. The maximum height of the development in the different zones is noted and satisfactory with sufficient landscape measures to soften the impacts.
- This is an opportunity to provide quality landscaping and enhanced biodiversity gains with the proposal. The masterplan which identifies landscaping and trees across access roads and car parking must be conditioned with any permission to ensure their delivery when any development comes forward. The overall areas of green infrastructure must not be reduced and eroded in any future applications which would only reduce the mitigation measures which would be put in place as a result of the landscape study.

ARUN DISTRICT COUNCIL TREES AND LANDSCAPES OFFICER 2nd Response - will be provided by way of a committee update report.

ARUN DISTRICT COUNCIL ENVIRONMENTAL HEALTH - awaited

NATURAL ENGLAND - awaited

Comments on Consultation responses:

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

No objection has been raised from the various consultees on technical grounds.

POLICY CONTEXT

Designations applicable to site:

- Site Allocated as parts of Site 5 and Site 6 in Arun District Local Plan 2003.
- A class road (Strategic Route Network)

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN11	Inland Flooding
	GEN12	Parking in New Development
	GEN14	Public Transport
	GEN2	Built-up Area Boundary
	GEN21	Renewable Energy
	GEN29	Nature and Conservation Across the District
	GEN3	Protection of the Countryside
	GEN32	Noise Pollution
	GEN33	Light Pollution
	GEN34	Air Pollution
	GEN7	The Form of New Development
	GEN8	Development and the Provision of Infrastructure
	GEN9	Foul and Surface Water Drainage
	SITE5	Commercial Allocations
	SITE6	Land to the North of Bersted, Bognor Regis and Felpham

Publication Version of the Local Plan -
Excluding the Spatial Portrait, Employment,
Housing Allocations, Transport, Monitoring and
Implementation sections (February 2014):

D DM1 Aspects of Form and Quality
ECC DM1 Renewable Energy
ECC SP1 Adapting to Climate Change
ECC SP2 Energy & Climate Change Mitigation
ENV SP1 Natural Environment
ENV DM5 Development and Biodiversity
HER DM6 Sites of Archaeological Interest
LAN DM1 Protection of Landscape Character
QE DM1 Noise Pollution
QE DM2 Light Pollution
QE DM3 Air Pollution
QE DM4 Contaminated Land
SD SP1 Sustainable Development
SD SP2 Built -Up Area Boundary
SO DM1 Soils
W DM2 Flood Risk
W DM3 Sustainable Urban Drainage

Systems

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

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

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

material considerations indicate otherwise."

The proposal would conflict with relevant Development Plan policies in that it would be in conflict with the requirements of Policy Site 6 for a primarily B1 use on the site. However there are material considerations that outweigh this conflict including the need to promote economic growth and create employment in the District.

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

PROPOSAL

The application is for full planning permission to redevelop part of the Oldlands Farm site to provide two industrial / distribution units extending to 38,099 square metres gross internal area (GIA).

Unit 1 is situated to the south west of the site with Unit 2 situated to the north east. Both of the units will be faced in metallic cladding except on their northern elevations which will have non reflective cladding.

The applicants anticipate that both of the units will be operated by a single tenant and used for manufacturing, storage and distribution purposes and permission is being sought for B1(c), B2 and B8 uses. The development will be phased with Unit 1 commencing construction in October 2014 and Unit 2 in September 2015. The expansion options will be built out as subsequent phases of development, based on occupier demand. Phasing plans will be prepared to support the application to illustrate the phasing of construction works.

PLANNING POLICY BACKGROUND

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

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

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

NATIONAL POLICY

The National Planning Policy Framework (NPPF) has at its heart a presumption in favour of

sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. Within para 14, it states that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the framework as a whole.

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

The government's growth agenda specifically supports the delivery of sustainable economic development and in particular paragraph 20 of the NPPF advises LPA's to "plan proactively to meet the needs of business and support an economy fit for the 21st century".

Furthermore, Paragraph 21 of the NPPF recognises that planning policies should not hinder economic development and encourages LPA's to address any potential barrier to investment such as poor environment or lack of infrastructure. It states that policies should be flexible enough to accommodate needs which were not anticipated when preparing the development plan and that the Local Plan should "identify strategic sites for local and inward investment to match the economic strategy and to meet anticipated needs over the plan period."

The NPPF encourages authorities to review their employment land regularly and also to maintain flexible policies that are 'able to react to market signals'.

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

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

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

Paragraph 19 of the NPPF places strong emphasis on the support of suitable economic development "The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system." Furthermore, Paragraph 20 requires Local Planning Authorities to plan proactively to meet the development needs of business.

Paragraph 21 further recognises that planning policies should seek to address potential barriers to investment including poor environment or any lack of infrastructure, services or housing.

Paragraph 173 states that pursuing sustainable development requires 'careful attention to viability and costs' in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.'

Paragraph 100 of the NPPF identifies that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local Plans should apply a sequential, risk based approach to the location of development to avoid where possible flood risk to people and property. A sequential test should be applied to ensure that development is directed to areas with least risk of flooding.

In area at risk of flooding Paragraph 101 of the NPPF states, "the aim of the Sequential Test is to steer development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding."

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

LOCAL PLANNING POLICY

Arun District Local Plan 2003

The Arun District Local Plan was adopted in 2003 and a number of policies were saved in 2008 under the provisions of the Planning and Compulsory Purchase Order Act (2004). The weight to be given to existing Local Plan policies in the context of the NPPF is set out above in the section of the report titled "Other Material Considerations".

It is considered that for the purposes of the NPPF that the policies in the Arun District Local Plan are in line with the broad aims of the NPPF and do not provide any significant degree of conflict. Therefore due weight should be afforded to them.

The Oldlands Farm site straddles two policy areas in the 2003 Local Plan namely Policy Site 5 and Site 6. Policy Site 5 (iii) allocates 11.2ha at Oldlands Farm as a 'Commercial' area; (see extract from Local Plan proposals map opposite).

Policy Site 5 "Commercial Allocations" states:

The following employment sites are identified on the Proposals Map at the following locations:

- i. Arunside Industrial Estate, Littlehampton 2.3 ha
- ii. Roundstone Area, Angmering (Part of SITE4) 3.3 ha

iii. Land North of Oldlands Farm, North Bersted 11.2 ha"

The reason for this policy is to encourage the provision of adequate job opportunities for the resident workforce.

Policy Site 6 "Land to the north of Bersted, Bognor Regis and Felpham" states:

"The area shown on the Proposals and Inset Maps will be developed for a mix of residential, employment and public open space, together with Relief Roads. Provision is made for:

- i. 40.24 hectares of land to accommodate 1,350 dwellings which will consist of 650 dwellings at North Bersted and 700 dwellings at Felpham. 30% of these dwellings will be affordable housing, provided in accordance with Policy DEV17.
- ii. 11.25 hectares of development for a high quality Business Park, accommodating uses generally falling within Class B1 of the Use Classes Order, although uses falling within Classes B2 and B8 will be permitted if they contribute to the regeneration objectives for Bognor Regis and are of a high quality design;
- iii. An 11.8 hectare reserve for an extension to the Business Park, subject to the resolution of flooding issues;
- iv. Relief Roads to form part of the Strategic Road Network;
- v. Infrastructure (or contributions for provision within the local area) as required by statutory authorities and service providers;
- vi. Public open space in accordance with the Council's adopted minimum standards and as shown on the Proposals and Inset Maps; and
- vii. A comprehensive landscaping scheme."

Other relevant saved policies of the Arun District Local Plan that have been considered in the determination of the planning application are set out below:

Policy GEN 7: The form of new development: Schemes must display a high quality design and layout.

Policy GEN 8: Development and the Provision of Infrastructure: Development will not be permitted unless the infrastructure or facilities made necessary by the development are available or will be provided at the appropriate time. The LPA may seek fair and reasonable contributions to be made towards the cost of infrastructure, service or amenity provision, to meet the needs of the occupiers or users of the development.

Policy GEN 9: Foul and Surface Water Drainage: development which will materially increase foul and/or surface water discharges will be refused unless the LPA is satisfied that either adequate drainage capacity exists or appropriate drainage capacity can be provided as part of the development.

PUBLICATION VERSION LOCAL PLAN 2013 - 2028

The latest publication of the Local Plan dated 30th January 2014 was approved by Full Council on 11th February 2014; whilst Full Council approved many of the policies within the plan it excluded policies relating to housing within the plan period.

Annex 1 of the NPPF (para 216) does allow for decision makers to give weight to relevant policies in emerging plans, but this depends on their stage of preparation, the extent to which unresolved objections to relevant policies remain and the degree of consistency of relevant policies within the emerging plan with policies within the NPPF.

At the time the application was submitted, the February 2014 publication version of the emerging Local Plan was a material consideration. However the sections relevant to the proposed development, specifically Employment and Transport, have since been included in the summer 2014 Version of the Local Plan, which has not yet been published but was approved by the Local Plan Sub Committee at a meeting on 31 July 2014. These sections will not be presented to the Full Council until the 10th of September 2014 and are not currently material considerations, holding no weight for decision making purposes.

The Employment and Enterprise chapter of the Local Plan has not yet been agreed but the version which was presented to the Local Plan Sub Committee in July 2014 provides evidence of the Council's 'direction of travel' in regard to the application site by identifying it as a Strategic Employment Land Allocation, designed to serve and promote local economic development.

ASSESSMENT OF THE PROPOSAL

It is considered that the following issues are of significance in assessing the planning balance of the proposal.

1) PRINCIPLE OF DEVELOPMENT

The Oldland's Farm site is allocated for employment purposes within the adopted Local Plan, Policy Sites 5 & 6. The Local Plan sets out two areas for employment development, the first phase of Oldland's Farm accounting for 11.25 hectares; and a further 11.8 hectare reserve for an extension to the business park, subject to resolution of flooding issues

The designation relating to Site 6 and Site 5 to which this outline planning application relates to part of, seeks proposals for commercial development and a 'high quality business park, accommodating uses generally falling within Class B1 of the Use Class Order, although uses within Classes B2 and B8 will be permitted if they contribute to the regeneration objectives for Bognor Regis and are of high quality design'.

The emerging policy direction in the Draft Arun Local Plan 2013-2028 identifies that the Oldlands Farm site is suitable for all forms of B-class uses. It does not maintain the Arun District Local Plan 2003's more ambitious objective of delivering a primarily B1 (office) type use. Policy DM6 of the draft plan allocated the site to "promote economic growth in Bognor Regis and wider Coastal West Sussex sub-region". The site's role in promoting economic growth in the wider sub-region is noted and is important in considering the overall planning balance of the proposal.

The proposed development does not accord with the specific requirements of Policy Site 6 part ii as the proposal is predominantly B2 and B8 uses with only ancillary B1 office use. Further, the application it is not delivering a business park and will have a single occupier. The predominantly B8 use will result in a substantially fewer jobs than would be expected to be delivered in a mixed use business park, which is a significant consideration in the determination of the appeal.

During pre-application discussions and during the consideration of the application the Council invited the applicants to agree by way of condition to submit an Employment and Training Plan which would aim to promote training and employment opportunities for the benefit of the local community in Bognor Regis. It was felt that this would ensure that the site "contribute to the regeneration objectives for Bognor Regis" as required by policy Site 6. The applicants have declined to meet the Council's full request on this but have been able to agree to some limited actions for staff. The applicants have indicated that they are unable to meet the Council's full requirement due to operational difficulties as the end user is likely to be outsourced.

Further, the Council invited the applicant's to sign up to the Council's Developer and Partner Charter Plus. Again, the applicants declined to sign up to the scheme.

However, the site has been allocated for development through the Local Plan since its adoption and the development of the site has not been forthcoming. Given the long term lack of acceptable development proposals on the site under the existing Arun District Local Plan 2003 policies, a pragmatic approach to delivery of employment land needs to be taken. Despite the disappointing response from the applicants in relation to the an Employment and Training Plan and Developer and Partner Charter, it is felt that the proposal has potential to "contribute to the regeneration objectives for Bognor Regis" and as such the proposed B2 and B8 uses are, on balance, considered acceptable.

It is therefore concluded that given the National Planning Policy Framework's strong support for delivering economic growth, and the Council's objective of increasing jobs density and supporting employment in the District that the principle of the proposed development is acceptable.

2) APPEARANCE AND LAYOUT

The site is in a prominent location and is visible from the A29 to the west and will be visible from the new Bognor Regis Relief Road and from residences in Felpham to the east. Whilst the context and allocated use is industrial, the applicants are required to give consideration to the wider visual context of the development as it lies close to more sensitive receptors and because it is highly visible.

Unit 1 comprises a total of 25,649 square metres (GIA) including a 19,600 square metre warehouse and a 6,000 square metre expansion area to be constructed as a second phase of the development. Unit 2 comprises a industrial/warehouse building with a total internal area of 12,450 square metres which includes a workshop (1,200 square metres) and an expansion option of 3,000 square metres also to be completed as a further phase of development. The buildings will have a ridge height of 13.6 meters.

The form of the development has been determined by the primary use of the buildings which requires large scale, high buildings to ensure that they function adequately. The layout offers direct and safe access to the buildings from the car park and provides the best outlook for the area where staff will spend most of their time. The rectangular shape lends itself to achieving the balance of the external wall area required to maximise the number of loading doors with achieving the adequate depth for internal racking and storage layouts. Separate access for HGVs and cars ensures that car parking is positioned at the front of the building adjacent to the road, in order to minimise on-site travel for customer and staff cars.

The elevations are faced in metallic cladding except the north elevations which will have non-reflective cladding. The profiled cladding is broken down into bays to reflect the structural grid behind and thereby breaking the elevations down into panels in order to provide visual relief. The profiles of the metal sheeting are changed, by alternating between horizontally-laid sinusoidal, half round profiled cladding and flat metal panels, so as to create visual interest by producing varying textures to the external walls.

In contrast, the offices are clad in a curtain walling system which accommodates glazed areas to the offices where natural lighting and views out are important. Solid, insulated, glass faced "spandrel" panels are used where the external walls abuts structure or where the requirements of thermal performance require solid walling. The colour palette is made up of a range of silver, white and shades of green cladding providing the parapet of the building. The buildings are set back from the adjacent A29 and will be seen in the context of the existing Southern Cross Industrial Estate.

It is considered that the proposed buildings will be considerably large and will have substantial bulk and mass. The proposed use of materials and panel will go some way to breaking up the bulk and massing, but it is necessary to appreciate that the proposed buildings will inevitably appear as two very large functional industrial buildings. The bulk, scale and massing of the proposals should not be underestimated.

Given the allocation of the site for proposed commercial development it is considered that the proposed units are acceptable in terms of their visual amenity and comply with 'saved policies' GEN7 and policies D SP1 and D DM1 of the emerging local plan.

3) FLOOD RISK AND FLOOD COMPENSATION AREA

The Site is within Flood Zones 1, 2 and 3 as defined by the Environment Agency. A strategy has been adopted to locate the main development site out of the flood zone by raising levels and a Flood Compensation Area has been created north of the Bognor Relief Road to facilitate this. An attenuation pond along with below ground oversized pipes will be situated to the east of the development site which will retain excess rainwater due to outflow restriction set by the predevelopment greenfield run off rates. New private surface water networks will be designed in line with current British Standard guidance up to the 100 year storm return period including an allowance for climate change.

In addition, the use of SuDS such as rainwater harvesting (to be confirmed), permeable paving (to be confirmed) and ponds with restricted outflow to the local watercourse in line with the required runoff rates will help mitigate any flood risk impact to the surrounding areas.

In summary, the accompanying Flood Risk Assessment prepared by Hydrock demonstrates that the risk of flooding to the new development layout is low, and that the Site has a very low risk of flooding from fluvial or by all other sources of flood risk, due to the flood compensation proposed.

Following an initial request for further information from the Environment Agency concerning the capacity of the flood compensation area, the applicants provided further detailed information and calculations on the capacity. The Environment Agency are satisfied that sufficient capacity will be created and that the proposed development will not lead to flooding on this or other sites.

4) LANDSCAPE IMPACT

The proposed site is not affected by any national or regional designated landscapes or features within or immediately adjoining the site. The site lies within 6 km of the South Downs National Park. The West Sussex Landscape Character Assessment identifies the site as lying within the Chichester to Yapton Coastal Plain. This landscape character area has been assessed as having moderate sensitivity for development.

The applicants Landscape and Visual Appraisal have commented that "the influence of the site upon the wider character area is restricted through the low lying topography and limited intervening vegetation and will be further isolated once the Bognor Regis Relief Road is fully constructed".

The applicants have identified the main visual receptors that have potential for views of the site and include properties on Sack Lane, Hoe Lane and Oldlands Cottages.

The proposed development will introduce new buildings, car parking, and lighting into an area of countryside that is currently undeveloped. A comprehensive landscape assessment submitted with the proposal has sufficiently assessed the landscape impacts and proposed adequate mitigation. The maximum height of the development is noted landscaping measures to soften the impacts have been proposed throughout the site. While the landscape impact of the site is considered acceptable in the urban edge context, and against the back drop of other industrial building it is important to appreciate that the building will if approved become a very prominent which affects the landscape character of the area due to its size and scale.

5) IMPACT ON RESIDENTIAL AMENITY

A key concern is the impact of the proposed development on Oldlands Cottages which are immediately adjacent to the southern site boundary.

The proposed warehouse building are located within 50 metres of the homes, will self evidently have a significant overbearing effect on the properties by virtue of its size, height and proximity. The properties currently have a high quality outlook over the application site that will be destroyed by the application.

No objection to the proposal have been received from residents of the properties.

The applicants have set out that the Oldlands Farm Cottages are owned by the landowner of the application site. The cottages are currently let out on short lease arrangements pending the redevelopment of Oldlands farm, subsequent to which the landowner will reconsider redevelopment of this land too. The applicants have highlighted that the Oldlands Farm Cottages are therefore 'financially involved' in relation to the current proposal.

It is considered that the application will have a significant and demonstrable adverse impact on the residential amenity of these two properties. The impact on the amenity of these properties is a consideration that should be taken into account in the overall planning balance of the scheme.

6) HIGHWAYS

The potential use of the site in an employment capacity has been established through previous site allocation. Access from the roundabout has been formed on the basis that it would serve development on the Oldlands Farm site; the design and construction of the 'spur' arm has been through the processes associated Section 278 Agreements and been subject to Highway Directive 19/03 compliant Safety Audit testing. The LHA are satisfied that suitable access to the site can be achieved.

The proposed employment development will provide a site layout designed in accordance with current best practice to accommodate pedestrians and cyclists and suitable for the likely use by HGV's.

Sustainable Access

The existing local highway network provides a strategic network of footways with a good level of street lighting allowing safe opportunities for journeys to the site on foot. The site is located within acceptable walking distance of to regular bus services linking the site to Bognor Regis Town Centre and the six villages to the north.

Trip Generation

The Trip Rate Information Computer System (TRICS) has been used to derive the trip rate; having reviewed the site selection parameters the LHA is satisfied that the outputs provide a robust view of likely traffic movements. It should be noted that the expected number of trips in the AM and PM peaks are less than previously anticipated due to the nature of the proposed use acceptable.

Junction Capacity

Junction capacity modelling has been undertaken at site access on the Bognor Relief Road Roundabout (BRRR); the assessment indicates that the ratio to flow capacity and level of queuing are both within acceptable parameters. It should be noted that residual capacity of the junction is better than previously assessed due to the lighter traffic flow generated by the site.

The Shripney Road/Rowan Way/Steining Way roundabout has also been assessed. Again, both ratio to flow capacity and level of queuing are within acceptable parameters.

Parking

Cars and motor cycles will enter the development through dedicated access points, separate to service vehicles. Car parking is provided to the front of each unit whilst servicing trucks and vans will enter the service yard, which is situated between the two units, after passing a security gatehouse which is situated at the entrance to the service yard.

The application provide 307 parking spaces and a further 18 disabled spaces which are suitable to cater for the predominantly B8 use proposed.

Covered cycle parking will be provided and a Travel Plan will be implemented in order to encourage sustainable travel amongst staff.

6) ECOLOGY, NOISE, ARCHAEOLOGY, and LIGHTING

Ecology

The development site is an open agricultural field with no trees or significant vegetation, and is in proximity to the Bersted Brook Local Nature Reserve site.

A number of ecological surveys including a Habitat Assessment, Breeding Birds Survey and Water Vole Survey have been submitted in support of the application.

The Breeding Bird Report identifies that a number of bird species were identified in peripheral habitats outside the footprint of the proposed development or flood compensation area. The site is identified as being favourable for skylark breeding and species have been recorded on the site. The footprint of the proposed development will require the removal of skylark habitat. The report makes a number of recommendations including provision of compensatory habitat and vegetation should only be removed outside the nesting season.

The Phase 1 habitat survey has been undertaken over the site by a qualified ecologist. This included a reptile survey, bat survey, badger survey, birds, dormice, and and water voles. The report has recorded the presence of protected species in low numbers, including Slow Worm, low use by a number of Bat species, and identified that the site has capacity for hosting other species but that the proposed mitigation features will provide suitable adequate replacement habitats. A further water vole survey was recommended.

The water vole survey has not identified any existing water voles in in the main watercourse along the northern boundary of the site.

The County Council's Ecologist has reviewed these surveys and considers them to be suitable subject to the mitigation measures proposed. A condition has been included at his behest.

Natural England have been consulted on the proposal but their consultation response has not been received. This will be provided by way of a committee update report.

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

Noise -

The applicants have submitted a report to consider the noise impact of the 24 hour operation of the units. They have identified the following as potential noise sources:

- building services plant
- car parking
- pallet storage
- waste recycling facility
- good deliveries/loading.

The noise assessment is based on noise surveys conducted to establish background noise levels. The assessment concludes that daytime and night time noise levels would be within relevant noise intrusion criteria at all receptors.

Section 123 of the NPPF provides four testing points in relation to noise.

1) avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development

The noise assessment demonstrates that noise levels from the proposed development are predicted to be within the lowest observable effect level at nearby sensitive receptor locations. Therefore it is not considered that there would be a "significant adverse impact".

2) Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development including through the use of conditions.

Rating noise levels from the new building and plants services plant and noise insulation properties of the buildings have been specified in order to set suitable noise limits below existing background noise levels with acoustic attenuation measures applied.

3) Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

It is not considered that the proposal will affect the adjacent industrial and commercial uses.

4) Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and recreational and amenity values for this reason.

It is not considered that the proposed development will have an adverse effect on local area of tranquillity.

Lighting-

The applicants have submitted a detailed lighting plan with the application. The end users have identified that the development will be operational 24 hours therefore it will be necessary for suitable adequate lighting to ensure safe vehicular and pedestrian movement, security of property and goods and extension of working practices. The site is currently an area of low brightness characteristic of an urban edge site.

The proposed external lighting installation will be designed in accordance with the environmental zone classification E3 set out in the ILE guidance for reduction of light pollution. Zone E3 is a medium brightness area more usually associated with small town centres. The area would not be characteristically zone E3 in terms of brightness but it is considered that with the forthcoming completion of the Bognor Regis Relief Road the required lighting will have an impact on the character of the area in any event. There are no particularly sensitive receptors in close proximity to the site such as homes and it will not affect the setting of any heritage assets.

It is considered therefore considered that the proposed development complies with Arun District

Local Plan Policy GEN33 and Emerging Local Plan Policy of QE DM2 Light pollution.

Archaeology -

This application has complied with the recommendations of NPPF paragraph 128 in that an archaeological field evaluation involving a combination of pre-determination trial trenching and geophysical survey has been commissioned and undertaken.

The County Archaeologist has assessed the submitted information and taking the archaeological potential of the present application area into account, has recommend that a planning condition should be attached to enable archaeological recording and monitoring in specific locations where ground disturbance will be deep (such as at the flood compensation area and attenuation pond). Depending upon the depth and extent of ground disturbance this may require a watching brief.

A suitable condition has been included below as a precautionary measure.

OVERALL CONCLUSION

This is a complex and detailed application with a number of issues for consideration. The application falls to be determined against Development Plan policies and against the National Planning Policy Framework (NPPF). Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Officers have carefully considered the various economic, social and environmental impacts and benefits associated with the proposals. The site is within the countryside, however, Local Plan Policies SITE5 and SITE6 allocated the land for the creation of a 'high quality business park, accommodating uses generally falling within Class B1 of the Use Class Order, although uses within Classes B2 and B8 will be permitted if they contribute to the regeneration objectives for Bognor Regis and are of high quality design'.

The application is for two large industrial units predominantly of B8 use. The proposed development does not accord with the specific requirements of Policy Site 6 part ii as the proposal is predominantly B2 and B8 uses with only ancillary B1 office use. Further the application it is not delivering a business park and will have a single occupier.

However, the Framework identifies that planning policies should "avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities."

The Framework clearly requires Council's to take a pragmatic approach to employment allocations. Given that the site has been allocated for a substantial period of time without any realistic prospect of delivery it is considered that, on balance, the principal of development on the site is suitable in spite of the scheme not strictly according with the detail of Policy Site 6.

It is considered that the proposed development will have an acceptable impact in terms of highways, flood risk, ecology, noise, archaeology, and light.

The proposed buildings, due to their very large size, bulk and scale, will have a significant impact on the visual amenity of the area and will have an deleterious impact on landscape character. Similarly, the functional nature of the buildings has necessitated an unambitious design with little relief along the main elevations other than panelling.

The predominantly B8 use is likely to result in less job creation than would have been delivered through a mixed use scheme or predominantly B1 business park. 325 parking spaces have been provided. The applicants have been unwilling to agree a planning condition to submit an Employment and Training Plan and have not offered to sign up to the Arun Development and Partner Charter.

The bulky utilitarian design, impact on the character of the area harm and likely limited employment benefits of the scheme must be weighed against the benefits. The proposal will result in economic benefits to the District's economy. In this instance, it is considered that, on balance, the benefits associated with the development outweigh the harm caused by the development and the application is recommended for approval subject to 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 1 of the First Protocol (protection of property). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal a neutral impact has been identified upon those people with the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

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

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The Development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

Site Location Plan 30699 PL 100B;
Site Layout Plan 30699 PL 101D;
Existing Site Plan 30699 PL 103A;
Roof Plan 30699 PL 102A;
Unit 1 Floor Plans 30699 PL 110A;
Unit 2 Floor Plans 30699 PL 111A;
Unit 1 Elevations and Section 30699 PL 120A;
Unit 2 Elevations and Section 30699 PL 121A;
Gatehouse 30699 PL 125A;
Battery Store 30699 PL 126;
Unit 1 Coloured Elevations 30699 PL 135;
Unit 2 Coloured Elevations 30699 PL 136;
Phase 1 Site Layout Plan 30699 PL 104C;
Phase 2 Site Layout Plan 30699 PL 105C;
Hard Landscaping 1606-L02-02J;
Planting Proposals 1606-L02-03F

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

- 3 The gross internal area for Unit 1 shall not exceed 25,600 square metres. No mezzanine floors are to be inserted in any part of the building without the prior approval of the Local Planning Authority.

The gross internal area for Unit 2 shall not exceed 12,450 square metres. No mezzanine floors are to be inserted in any part of the building without the prior approval of the Local Planning Authority.

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

- 4 Prior to the Commencement of Enabling Works a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the period of Enabling Works. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during Enabling Works,
- the method of access and routing of vehicles during Enabling Works,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used during the Enabling Works,
- the provision of wheel washing facilities and other works required to mitigate the impact of the Enabling Works upon the public highway (including the provision of temporary Traffic Regulation Orders),

- measures to control the emission of dust and dirt,
- details of lighting and security,

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

- 5 An archaeological recording and monitoring exercise shall be carried out at the expense of the developer in accordance with a specification (WSI - written scheme of investigation) to be submitted to and agreed by the Local Planning Authority in writing before the commencement of building works. The approved details shall be implemented prior to commencement of development and be retained and maintained thereafter.

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

- 6 Prior to Commencement of Development or phase of development details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

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

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.

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

- 7 Prior to Commencement of Development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- measures to control the emission of dust and dirt during demolition and construction, lighting for construction and security,

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

- 8 Prior to Commencement of Development or phase of development details of the proposed means of foul water sewerage disposal shall be submitted to, and approved in

writing by the Local Planning Authority in consultation with Southern Water.

Reason: To prevent pollution of the any watercourse and protect the environment in accordance with Arun District Local Plan policies GEN7 and GEN33.

- 9 Prior to Commencement of Development or any phase of development an ecological enhancement scheme shall be submitted to the Local Planning Authority for approval and will be based on the recommendations within the supporting ecological report June 2014. All approved details shall then be implemented in full and in accordance with the agreed timings and details.

Reason: In the interests of the amenity of the environment of the development in accordance with paragraph 118 of the National Planning Policy Framework.

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

Reason: To prevent development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution in accordance with the NPPF.

- 11 The Development shall be carried out in accordance with the surface water drainage strategy as set out in the approved Flood Risk Assessment prepared (R/14443/001) which is based on sustainable drainage principles and provides an assessment of the hydrological and hydrogeological context of the development. In accordance with the details within the FRA, the development must ensure that surface water run-off generated up to and including the 1 in 30 year and 1 in 100 year for climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event (as stated within the approved FRA (R/14443/001); and pollution prevention measures as set out in the approved FRA are implemented.

Prior to First Occupation the complete surface water drainage system serving the phase within which that Building is situated has been implemented in accordance with the agreed details (which may be revised from time to time with the written approval of the Planning Authority).

Prior to First Occupation provision shall been made within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority to prevent surface water draining onto the public highway.

Reason: To prevent an increased risk of flooding, both on and off site and to prevent development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution in accordance with the NPPF.

- 12 Prior to First Occupation a Travel Plan shall be submitted to and approved in writing by

the Local Planning Authority. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

- 13 The Development shall be carried out in accordance with the approved Noise Assessment (A087856) which provides details of the sound insulation and management measures to be incorporated into each Building. The approved details shall be implemented prior to First Occupation and be retained and maintained thereafter.

Reason: In the interests of amenity in accordance with Arun Local Plan Policies GEN7 and GEN32.

- 14 Prior to the First Occupation a Lorry Routing Agreement shall be submitted to and approved in writing by the Local Planning Authority. The Development shall thereafter be operated in accordance with the approved Lorry Routing Agreement unless otherwise agreed in writing by the LPA.

Reason: In the interests of amenity and to ensure the suitable routing of vehicles.

- 15 Prior to First Occupation details of a scheme for the provision of public art to be installed on the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within 12 months of First Occupation.

Reason: In the interests of the amenity of the area.

- 16 The development permitted by this planning permission shall only be carried out in accordance with the following mitigation measures detailed within the approved Flood Risk Assessment (FRA) (ref: R/14443/001):

1. Limiting the surface water run-off generated by the 1in100yr 30% for climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
2. Provision of compensatory flood storage as set out in the approved plans.
3. Finished floor levels are set no lower than 3.0 m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding to the site and elsewhere by ensuring that compensatory storage of flood water based on the best information available is provided in accordance with the NPPF.

- 17 The Development shall be constructed to achieve BREEAM "Very Good" rating.

Reason: To reduce carbon dioxide and other greenhouse gas emissions and adapt to climate change in accordance with Policy GEN21 of the adopted Arun District Local Plan.

- 18 The Development shall incorporate measures to achieve a minimum of 10% of on-site

energy to be produced by low and zero carbon technologies.

Reason: To reduce carbon dioxide and other greenhouse gas emissions and adapt to climate change in accordance with Policy GEN21 of the adopted Arun District Local Plan.

- 19 The Development shall be carried out in accordance with the details shown on the approved landscaping plans DLA-1606-L02-02 J and DLA-1606-L02-03 F. All hard and soft landscaping works shall be carried out in accordance with the approved details 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 First Occupation or as otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the provision and establishment of acceptable landscape in accordance with adopted Arun Local Plan Policy GEN7.

- 20 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The Development shall be carried out in accordance with the approval details.

Reason: To prevent development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution in accordance with the NPPF.

- 21 The Development shall be constructed in accordance with the external materials and finishes as shown on the approved drawings (refs. 30699-PL-101A/102A/120A/121A/125A/126).

Reason: In the interests of visual amenity in accordance with Arun District Local Plan Policy GEN7.

- 22 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To prevent development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution in accordance with the NPPF.

- 23 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To prevent development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution in accordance

with the NPPF.

Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

- 24 Prior to the occupation of the development a scheme shall be submitted and agreed by the Local Planning Authority detailing arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion.

- 25 All external lighting shall be carried out in accordance with the submitted External Lighting Statement (ref. 2PL002) unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the character and amenity of the area.

- 26 INFORMATIVE: For the purpose of the conditions set out above the following definitions apply:

"Building" means any building (as defined in the Town and Country Planning Act 1990) to be built, extended or developed as part of the Development.

"Commencement of Development" means the carrying out of a Material Operation pursuant to the Permission on the Site for the implementation of the Development and "Commence Development" or "Commencement" shall be construed accordingly.

"Development" means the development permitted by this Permission.

"Enabling Works" means any (i) site establishment including haulage roads and site access points; (ii) Enabling Works including soil stripping and storage, levelling, excavation and storage for re-use on-site; (iii) Site clearance including vegetation removal; (iv) works of archaeological or ground remediation; (v) the erection of construction fencing or construction hoardings; (vi) the provision of security measures or lighting; (vii) the laying removal or diversion of services; (viii) earth retaining structures.

"Material Operation" means any operation within the meaning of section 56(4) of the 1990 Act save that for the purposes of this Permission the term shall not include Enabling Works.

"First Occupation" means first beneficial use of any Building permitted by this Permission

"Permission" means this planning permission Ref. BE/73/14/PL to carry out the Development.

- 27 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.