



## REPORT UPDATE

Application No: LU/72/25/OUT

### Reason for the Update / Changes

Report Update - 23.09.2026

The application was previously presented at Committee on 22 July 2026 where the committee resolved to refuse the application with two additional (to the drainage reason) reasons for refusal relating to highways matters. However, when voting it was not made clear that the application was Hybrid and therefore two separate votes were required to be taken in respect of both the outline and full elements of the application. Due to the hybrid nature of the application, the committee need to conclude which of the additional reasons for refusal relate to the full and outline elements. Officers have proposed that the reason for refusal relating to access is imposed solely on the full element (which includes the access) with the reason for refusal relating to pedestrian and highway safety is imposed on both the full and outline elements of the application.

In addition to this it was noted that reasons for refusal relating to the Section 106 had not been included by officers and, whilst this was clearly included within the officer report, it should be included for completeness.

Officers have concerns with the refusal reason proposed by the committee relating to access, specifically its robustness and the ability for the Council to defend this reason for refusal at appeal. Should the committee agree that the highway access to remain as a reason for refusal it is recommended that consideration should be given to the wording. As proposed, the reason for refusal imposed on the full element of the hybrid application does not specify what elements of the proposed access is unsafe. Officers would recommend that the committee expand the reason for refusal to explain this or withdraw it. The proposed wording below reflect comments provided at Briefing Panel on 14 August.

'The proposed development would result in an unacceptable impact on highway safety. The proposed access arrangement would generate vehicular movements to and from the site in a northerly direction via Courtwick Lane, resulting in adverse impacts on highway safety on Courtwick Lane and at its junction with Lyminster Road. The development has therefore failed to demonstrate that safe and suitable access can be achieved for all users, contrary to Arun Local Plan Policy T SP1 and the National Planning Policy Framework.'

A revised recommendation sheet has been prepared which includes the Highways and Section 106 reasons for refusals. It is requested that the committee confirm that the proposed recommendation sheet reflects their intentions and is acceptable prior to the decision being issued.

Because of these concerns, no decision was issued on the application after the July meeting, and it was intended to bring the item back to committee to clarify these matters. However, there have now been further material changes in considerations that the committee must review.

The item was withdrawn from the meeting in August as officer's needed more time to assess and interpret the implications of the updated National Planning Policy Framework (NPPF) published on 17 August. There are several policies applicable to the consideration of this application the vast majority of which do not alter the conclusions previously reached by the Committee. These include:

- DM3: Determining development proposals
- DM6: Use of planning conditions and obligations
- S3: Presumption in favour of sustainable development
- S4: Principle of development within settlements
- CC1: Planning for climate change
- CC2: Mitigation for climate change
- CC3: Adaptation to climate change
- E2: Meeting the need for business land and premises
- TC3: Main town centre uses outside town centres
- TC4: Assessing the impact of development on town centres
- DP3: Key principles for well-designed places
- DP4: The design process
- TR3: Locating development in sustainable locations
- TR4: Street design, access and parking
- TR6: Assessing transport impacts
- HC5: Hot food takeaways
- P2: Ground conditions
- P3: Living conditions and pollution
- P4: Impact of development on existing activities
- F4: Assessing flood risk for decision-making
- F7: Ensuring development is safe from flooding
- F8: Sustainable drainage systems and watercourses
- N2: Improving the natural environment
- N3: Trees in new development

Those policies which require specific consideration have been set out below.

The new NPPF provides stronger support for the proposed development with its reinforced presumption in favour of sustainable development within settlements. Policy S4(1) states that "Development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects...". The reference to 'substantial weight' is important and the phrase is consistently used throughout the new NPPF. It means that the application gains amplified support from this specific national policy presumption in favour of development within settlements.

Policy E2 also identifies that to support business growth, substantial weight should be given to the economic benefits of proposals which allow businesses to invest, expand and/or adapt. In this case the proposed development includes new retail provision to facilitate growth as well as industrial units which would provide significant opportunities for businesses. Therefore, the weight attributed to the economic benefits associated with this development should be substantial in the planning balance.

New Policy HC5 of the NPPF states that development proposals for hot food takeaways should be refused within reasonable walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre.

As identified in the committee report the application site is not located within a defined town or local centre. However, it is located within reasonable walking distance of schools and places where children and young people would congregate. The NPPF defines a reasonable walking distance for the purpose of policy HC5 (hot food takeaways) to be around 400 metres, or around five minutes' walk time. The nearest facilities identified through policy HC5 are:

- Goldcrest Avenue Playground - 360 metres

- Lyminster Primary School - 550 metres
- Worthing Road Recreation Ground - 640 metres
- Littlehampton Rugby Club/Courtwick Recreation Ground - 644 metres

The only school or place where young people would congregate within a reasonable walking distance (400 metres or around five minutes' walking time) of the proposed hot food takeaway would be Goldcrest Avenue Playground. This is a Locally Equipped Area of Play (LEAP) with associated informal open space intended primarily to serve the day-to-day recreational needs of the immediately surrounding residential development and, as such, would not be expected to attract children and young people from a wider catchment area. Policy HC5 states that development proposals should be refused, rather than must be refused, when located within reasonable walking distance of such facilities.

Therefore, in this case the proposed hot food takeaway is not considered to give rise to the level of conflict with the objectives of Policy HC5 that would justify refusal of planning permission. Given the limited scale and localised function of the LEAP, together with the absence of any schools or other significant locations where children and young people congregate within the defined reasonable walking distance, the proposal is considered acceptable in this regard and would not result in unacceptable impacts on the health and wellbeing objectives that Policy HC5 seeks to achieve.

Policies TC3 (Main town centre uses outside town centres) and TC4 (Assessing the impact of development on town centres) align with the requirements of the previous NPPF (December 2024) and as such the consideration of these matters is unchanged from that previously assessed by the committee.

#### DRAINAGE

When the application was considered in July 2026, the committee resolved to impose the following reasons for refusal to both the full and outline elements;

The proposed development fails to demonstrate a viable and policy-compliant surface water drainage strategy. The submitted information does not robustly establish the seasonal high groundwater level, with monitoring data incomplete and insufficient to confirm compliance with the required separation distances for infiltration in accordance with national SuDS Standards. The proposed reliance on infiltration is therefore unproven. The alternative drainage strategy involving discharge to a watercourse is also unproven in terms of deliverability, since it is not supported by fully sufficient hydraulic calculations, and lacks evidence of legal agreement to outfall. In the absence of a confirmed and deliverable drainage solution, it has not been demonstrated that the development would not increase flood risk on site or elsewhere. The proposal is therefore contrary to Arun Local Plan Policies W DM3 the National Planning Policy Framework (paragraphs 181, 182 and 187) and the National Standards for Sustainable Drainage Systems.

Following consideration of the application by Committee on 22 July 2026 it was identified that the Lead Local Flood Authority (LLFA) in their consultation response dated 2 July 2026 had failed to consider the updated Flood Risk Assessment & Drainage Strategy - June 2026. Considering this an updated consultation response was provided by the LLFA dated 19 August 2026.

In this updated consultation response, the LLFA advised that the applicant had demonstrated that they had captured the winter peak groundwater level and provided adequate buffer. However, an objection was maintained to the development given a lack of sufficient detail.

As a result of this updated consultation response Officer's requested that the Arun Drainage Engineers review the consultation response. The Arun Drainage Engineer has advised that they maintain their

objection to the groundwater monitoring and that the buffer remained insufficient. It has been confirmed by the Council's Drainage Engineers that the proposal to raise the carpark by 333mm (0.33m) only resulted in an offset of 0.9m between the base of the infiltration device and groundwater levels contrary to National Standards for Sustainable Drainage Systems (NSfS) paragraph 1.5.

The Council's Drainage Engineers have highlighted that given the lack of certainty around peak groundwater levels; a precautionary approach should have been adopted with an additional buffer above the recorded groundwater levels. It is considered that an additional allowance of approximately 200mm may be appropriate to account for this uncertainty and to ensure the long-term effectiveness of the proposed drainage infrastructure.

The Council's Drainage Engineers have advised that, should such a precautionary buffer be required, this may necessitate a significant further increase in site levels. By way of example, an additional uplift of approximately 300mm (0.3m) could be required, resulting in a total increase in site levels of around 633mm (0.633m). At present, it is unclear whether such an increase would be feasible or could be accommodated within the proposed development layout.

Whilst the Lead Local Flood Authority may ultimately take a different position regarding the necessity of an additional precautionary buffer, the Council's Drainage Engineers have confirmed that the current drainage design does not achieve the required separation distance between the base of the infiltration device and groundwater levels. As such, the proposal remains contrary to Paragraph 1.5 of the National Standards for Sustainable Drainage Systems and the objection from the Council's Drainage Engineers is maintained.

At the August meeting, the committee considered planning applications LU/95/26/PL & LU/96/26/PL which were granted planning permission. In the case of LU/95/26/PL groundwater monitoring was only undertaken over a two-month period and did not reflect peak winter groundwater conditions. In addition, only a single infiltration test was provided, with no evidence of repeat testing in accordance with recognised standards. No alternative drainage solution was provided should infiltration have been unfeasible.

Further, the Flood Risk Assessment was lacking many standard matters such as impacts of climate change and a lack of evidence to demonstrate that the drainage system would operate effectively during flood events.

However, the committee gave weight to the economic benefits of the continued use of the site which was deemed to outweigh the potential flood risk impacts associated with the development. No drainage scheme was included as a condition.

In the case of LU/96/26/PL, there was no ground water monitoring and no FRA submitted. This application was granted permission with no drainage scheme included as a conditional requirement of the permission.

These decisions are now material to any decision taken on this application. These material considerations have come about since the committee considered this application and the committee are therefore required to consider whether this material consideration changes the conclusions on this application.

Whilst technical objections remain regarding the extent of groundwater monitoring, infiltration feasibility and the robustness of the drainage strategy, additional groundwater monitoring information has been submitted, and no evidence has been presented of existing surface water drainage issues associated

with the developed parts of the site. Having regard to the recent decisions in respect of LU/95/26/PL & LU/96/26/PL, where proposals with significantly less technical data submitted to accompany the proposals and comparable drainage concerns were considered insufficient to outweigh the economic benefits of the development, officers consider it would be exceptionally difficult to now defend a drainage-based reason for refusal in this instance. In the interests of consistent decision-making, officers now recommend that the drainage reason for refusal be withdrawn.

## CONCLUSION

There are three aspects of the planning application that officers believe the committee need to consider before a final decision can be issued.

- i. The revised NPPF published on 17 August.
- ii. The decisions taken on LU/95/26/PL & LU/96/26/PL and how these might affect the decision.
- iii. The specific wording of any highways reason for refusal and to be satisfied that these adverse impacts would substantially outweigh the benefits and can be demonstrated.

Should the committee resolve to remove the drainage reasons for refusal, members are invited to consider this material change in circumstances and conclude if the decision to refuse the application previously reached should be amended, particularly considering policy S4(1) and E2 of the NPPF.

These policies state that development within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse impacts and identifies that the commercial nature of the proposals is afforded substantial weight. The committee will need to be satisfied that the previous reasons for refusal would substantially outweigh these policies and that these adverse impacts can be demonstrated.

## COMMITTEE REPORT UPDATE - 22/07/2026

### Reason for Update/Changes:

1. Two letters of representation have been received from Tesco (dated 3 July and 17 July 2026). The letters raise issues related to the sequential and impact policy tests, including:

- The sequential preference to be given to the North Littlehampton area (over the New Courtwick Lane application site);
- Whether there is a requirement to consider the concept of 'disaggregation' in relation to the sequential test;
- Impact on investment in Littlehampton town centre and the planned new centre in North Littlehampton; and
- The significance of the forecast retail impacts.

2. Page 17 - Supersede the retail consultant comments with the following:

Retail Consultant (Nexus Planning) - Full details are available to view online in reports dated September 2025, February 2026 and June 2026, but a summary is as follows. Following further information, the sequential test is passed. As to the impact test, the proposal will have a clear adverse impact on the health of Littlehampton town centre, due to the loss of trade from the centre and due to increased competition posed by the proposed foodstore and food/beverage units. There is no certainty that the scale of impact will be significantly adverse, but such a scale of impact cannot be completely ruled out at this stage. There will also be a material adverse impact upon the health of Rustington and Wick local

centres, but it will be smaller than the scale of impact on Littlehampton town centre. Nexus consider that a draft package of mitigation measures, as outlined in the June 2026 report, are necessary to make the development acceptable in retail planning terms and will, in particular, reduce the scale of the impact on Littlehampton town centre down to adverse levels (rather than significant adverse levels) with more certainty.

3. Page 44 - Supersede the paragraph beginning 'On balance' with the following:

On balance, although the proposal is acceptable in principle and would deliver notable benefits, these benefits are outweighed by the unresolved and fundamental concerns relating to drainage. As such, the proposal is not considered to constitute sustainable development, and planning permission should be refused.

Officers Comment:

1. The representation from Tesco suggests that the North Littlehampton area should be considered as a sequentially preferable alternative. The representation focuses on the food retail element. However, the analysis provided by Officers has fully considered North Littlehampton in relation to the sequential test.

Tesco also object to the assessment of North Littlehampton undertaken by officers and the applicant based on a perceived failure to consider disaggregation of the various main town centre land use elements. Tesco suggest that disaggregation (the concept of considering whether multiple sites can accommodate different elements of a main town centre land use proposal) is relevant in this instance as there is no functional relationship/linkage between the retail and food/beverage units.

However, the need to consider disaggregation is not a specific requirement of the current version of national planning policy and officers note that there are not any relevant recovered appeal / call-in decisions from the Secretary of State which suggest that national policy requires disaggregation to be a material consideration.

In support of its reference to functional relationship / linkages, Tesco refer to an appeal decision in Altrincham. The circumstances of the Altrincham decision are fundamentally different to the current application.

Tesco consider that the scale of impact on Littlehampton and Rustington has been under-estimated by the applicant. Tesco do not appear to take issue with the conclusions of Officers and the independent retail consultant, therefore, there is no requirement for further response to the points raised by Tesco regarding 'town centre impact'.

2. The original text failed to make adequate reference to Littlehampton.

3. Wording was amended for clarity.

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

### Recommendation Report for Outline Consent

REF NO: LU/72/25/OUT

LOCATION: Land to the West of New Courtwick Lane

Wick  
BN17 7RZ

**PROPOSAL:**

Hybrid Planning Application comprising of the following: 1) - Outline application with all matters reserved (except access) for Phase 2 (West of Site) comprising development of approximately 8,800sqm GIA Light Industrial/Storage and Distribution (Use Class E(g)(iii) / B8), and 2) - Full Application for Phase 1 (East of the Site) for a food store (Use Class E(a)), 2 No. Drive-Thru food/beverage units (Sui Generis) with revised vehicular access, associated parking and landscaping. This application may affect the setting of a listed building and is in CIL Zone 2 and is CIL Liable.

**SITE AND SURROUNDINGS**

**DESCRIPTION OF APPLICATION**

This is a Hybrid application, consisting of a full and outline application. The full application proposes the demolition of an existing, vacant warehouse and the construction of a food store (Use Class E(a)), two drive thru food/beverage units (sui generis) with revised vehicular access, associated parking and landscaping. This relates to the east of the site, referred to as Phase 1.

The proposed food retail store will be sited to the northern end of the site, comprising approximately 1,912 sq m in floor area with a sales area of 1300 sq m. The building will sit approximately 10m from the existing tree line that currently separates the east and west of the site.

There are two existing access points from New Courtwick Lane which will remain in their general locations, with the northern-most access point facilitating the food retail store and the southern access point facilitating a spinal road, running east to west to facilitate access to the West Site. Both access points will be amended to facilitate both vehicular and pedestrian access, with additional cycle access provided for the southern access point.

The building proposes a monopitch roof design with an overall ridge height of 6m when viewed from the east that incorporates a slope down to the west with a ridge height of 4m at its lowest point. There proposes a service area to the immediate north of the building to allow for deliveries, with a loading bay and bin store. A roller shutter door will facilitate the warehouse area, and an external plant compound will be located to the rear of the building to its north-western corner. A 1.8m high security fence is proposed to the western boundary that will run parallel with the rear elevation of the store.

The car parking area will be located to the east and south of the store and proposes 118 parking spaces, including 6 disabled bays, 12 family bays and 6 active EV charging bays.

Along the south of the car park, 10 spaces have been allocated for future EV charging (passive spaces). 8 cycle spaces are proposed to the south of the store entrance.

The two drive-thru units would be sited in the southern part of the site and served from the spine road. The Costa unit would provide 167 sqm GIA and the McDonald's unit 356 sqm GIA, with associated servicing, parking, landscaping and an outdoor seating area for McDonald's. A total of 50 parking spaces, including disabled and EV spaces, would be provided, together with a substation..

The outline application includes all matters reserved, except for access, comprising development of approximately 8,800 sq m light industrial/storage and distribution (Use Class E(g)(iii)/B8. This element is proposed to the west of the site and referred to as Phase 2. The proposed masterplan layout is purely indicative at this stage and shows up to 27 units ranging in GIA from 192sqm to 971sqm (a total of up to 8,800sqm) to facilitate a range of trade counters, storage facilities and light industrial uses (Use Class E(g)(iii) / B8). The proposed masterplan includes six blocks, with a courtyard arrangement for parking outside each unit to facilitate customer/staff parking and service and access into each unit. Approximately 172no parking spaces are proposed.

The proposed access to the western part of the overall site will be via the central through road taken from the east of the site. The main service road will loop internally around the centre of the site facilitating the proposed light industrial units.

#### SITE AREA

4.7ha

#### TOPOGRAPHY

Predominantly flat.

#### TREES

The site contains a total of 114 trees and hedgerows, including several arboricultural features of significance such as a high value sycamore tree (T66), likely subject to a Tree Preservation Order, established boundary vegetation, and woodland blocks to the western part of the site.

#### BOUNDARY TREATMENT

The eastern part of the site (Phase 1) contains a large former office and warehouse building surrounded by hardstanding and parking areas, with access provided from two points on New Courtwick Lane.

The west of the site (Phase 2) formerly accommodated nursery glasshouses, which have since been removed, leaving areas of hardstanding. The site is overgrown currently.

The site lies north of Wick High Street and approximately one mile north of Littlehampton town centre. Access is taken from New Courtwick Lane to the east, via the A259 to the south. The surrounding area is mixed commercial and residential in character. Courtwick Lane forms the northern boundary,

beyond which is a residential estate. A former vehicular access from Courtwick Lane serving the nursery is now largely obscured by vegetation and will be removed, with all site access consolidated onto New Courtwick Lane.

A recent residential development lies to the west, while a business and retail park, including Morrisons, is located to the east beyond New Courtwick Lane.

SITE CHARACTERISTICS

To the east of the site (referred to as Phase 1) lies an empty industrial warehouse building whilst to the west of the site (referred to as Phase 2) is a former horticultural nursery that is currently overgrown.

The unit to the east of the site is centrally located and comprises a large-scale industrial building that is currently vacant but was previously used as an office and warehouse facility. Associated hardstanding and parking surrounds the building with access taken from two points along New Courtwick Lane to the north-east and south-east.

The western end of the application site is currently overgrown having previously accommodated a nursery (horticulture) and has been vacant for many years. Nursery glass houses have been removed from the site with evidence of hardstanding remaining in parts.

CHARACTER OF LOCALITY

The application site lies to the north of Wick High Street and approximately 1 mile north of Littlehampton town centre. The site is accessed from New Courtwick Lane to the east via the A259 which lies beyond the site to the south. The site lies in a largely mixed-use commercial and residential location. Directly to the north and running parallel with the site is Courtwick Lane which is lined with dense vegetation with a residential estate beyond. Part way along Courtwick Lane a vehicular access that served the former nursery has been partially obscured by overgrown vegetation. This access is to be removed completely with access to the entirety of the site taken from New Courtwick Lane to the east.

To the west of the site is a recent housing development accessed from Henry Lock Way. This road runs parallel with and to the south of Phase 2 of the application site with no existing or proposed connections to the site. Beyond New Courtwick Lane to the east lies a business and retail park that includes a Morrisons supermarket.

RELEVANT SITE HISTORY

|               |                                                                                                                                                               |                             |
|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| LU/284/24/ESO | Environmental screening opinion in respect of an application for a food store (use class E(a)) (1910m2 GIA), 2 No. Drive-Thru fast food / beverage units (Sui | ES Not Required<br>22-11-24 |
|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|

Generis) (415m2 GIA), light industrial / storage and distribution (use class E(g)(iii) / B8) (6606m2 GIA).

|             |                                                                                                                                                    |                                  |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| LU/270/97   | 2 No. industrial units (6,403 square metres each gross external) including ancillary offices and staff facilities, to be constructed in two phases | ApproveConditionally<br>20-05-98 |
| LU/106/92/A | One externally illuminated double sided free standing pylon sign                                                                                   | Apprvd/Cond ADV<br>05-07-93      |
| LU/232/91   | Approval of reserved matters following LU/324/90 for development for business and ancillary Use Class B1                                           | ApproveConditionally<br>16-10-91 |
| LU/324/90   | Outline Application for business development (Class B1) and ancillary use                                                                          | App Cond with S106<br>28-06-91   |

LU/284/24/ESO - Environmental Screening Opinion in respect of an application for a food store (use class E (a)) and 2no drive thru fast food/beverage units (sui generis), light industrial/storage and distribution (use class E(g)(iii)/B8) - ES not required

PAA/98/23 - Pre application enquiry in respect of an application for a food store (use class E (a)) and 2no drive thru fast food/beverage units (sui generis), light industrial/storage and distribution (use class E(g)(iii)/B8)

## REPRESENTATIONS

Littlehampton Town Council - object on the grounds of traffic congestion and a site layout that would lead to an adverse impact on residential amenity (noise, odours, increase in traffic).

Tesco Stores Ltd - objects to the application on the grounds that it fails the sequential test, arguing that the North Littlehampton Local Centre is an available and suitable alternative location for the proposed Aldi store and should have been given proper consideration. Tesco also considers that the proposal could undermine planned investment in Littlehampton Town Centre and the North Littlehampton Local Centre, and argues that the cumulative impacts of this scheme and the Norway Lane retail proposal have not been adequately assessed. Tesco therefore concludes that the application should be refused.

39 letters of objection

- Increase in traffic
- Increase in litter
- Impact on biodiversity
- Questioning the need for an additional supermarket
- Increase in noise
- Concerns the outline element is hiding elements of the scheme
- No right to light surveys

-Already units within Wick that are vacant and could be utilised

6 no objection

-In support provided retailers are responsible for litter

-Job opportunities

-Great expansion for businesses

## COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

Retail Consultant - Full details are available to view online but in summary, following further information, the sequential test is passed and there will be a material adverse impact upon the health of Rustington and Wick local centres, but it will be smaller than the scale of impact on Littlehampton town centre. Therefore, conclusions on this do not suggest a potential reason for refusal, although the effects upon the health of Rustington and Wick will need to be taken into account in ADC's overall planning balance.

DOCO - As the West Site is only an outline application, there are no detailed comments to make at this stage. More comprehensive comments will be submitted at the reserved matters stage.

Applicants attention is drawn to the website: [www.securedbydesign.com](http://www.securedbydesign.com) where the Secured by Design Non-Residential Guide for 2025 (formerly known as the Commercial Guide). References made to CCTV and natural surveillance; EV charging points; cycle parking; installation of lighting and protection of the site during construction.

South Downs National Park - No comments to make.

Southern Water - General advice given in respect of tree planting; SuDS; connection to public sewer. A capacity check was undertaken to understand the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water.

Arun Council Leisure and Greenspace - Recommend no landscape objection to the details submitted subject to condition of submission of BNG appropriate proposals and full landscape detail to be submitted and approved.

Environmental Health - No objections provided all recommendations and mitigation in the air quality report are fully implemented. There is one area that needs amending in the acoustic report in respect of target levels from new plant/machinery for the proposed development.

An additional technical note was received to address the issues originally raised. No objections in relation to noise.

Conditions to be imposed relating to contamination; control of fumes, odours and cooking smells and lighting.

Economic Regeneration - Given the existing supermarket, food and beverage outlets (some of which are independent retailers) located nearby (Wick Parade) in particular, mitigation is suggested due to the adverse effect this may have on their trading to include marketing and retail 1-2-1 support, shop frontage improvements and environmental enhancements.

Further comments received that acknowledge the provision of light industrial units. Littlehampton has a shortage of good quality mid-size industrial units and the provision of these is a welcome addition to the application.

Archaeology - In agreement with the results and conclusions of the Desk-Based Assessment, however, to impose a condition to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation.

WSCC Highways - Access details acceptable; Concerns over connectivity/sustainable transport; Phase 1 parking and cycle parking under provision but details submitted to justify have been accepted; junction modelling and trip data accepted; layout considered acceptable.

Phase 2 pedestrian link to New Courtwick Lane been omitted upon an updated plan which reduces permeability. Details and evidence submitted from the agent states why the additional pedestrian connections cannot be provided; therefore, no objection is raised subject to the following S106 and Conditions.

National Highways - Given the nature, scale and location of the proposal, the development would not have an unacceptable impact on the safety, reliability, and/or operational efficiency of the SRN. No objections.

LLFA - Object in the absence of an acceptable Flood Risk Assessment (FRA) and Drainage Strategy relating to further information required/updated to demonstrate method of surface water discharge.

Despite several updates of the FRADS, they maintain an objection based on failed to provide percolation test results undertaken consistently in the winter months (October-March).

There is an omission of information required to demonstrate the viability of the proposed method of surface water discharge which may impact final layout, particularly in relation to winter shallow infiltration testing.

Arun Engineers - Original comments state insufficient information submitted to evidence that the design of the proposal is achievable and will not increase flood risk. Further to this, the design also fails to meet current requirements in terms of sustainability. Updated details have been submitted on a number of occasions with 7 consultations having been provided with Arun Engineers maintaining their objection.

Conservation Officer - A map-based assessment has identified the following heritage assets close to the building covered by this application - Courtwick Park House and Courtwick Park Stables, both Grade II listed buildings. It is concluded that the impact of the proposed development would result in no harm to the setting of the designated heritage assets, and therefore not harm their significance.

Arboricultural Officer - No arboricultural objection to either phase. Significant tree loss to be mitigated by ambitious replacement planting. New TPOs recommended for key trees/groups. Conditions to be imposed.

West Sussex Fire and Rescue - Conditions requested to be imposed

Ecology - Original objection due to failure to meet the BNG mitigation hierarchy and impacts to protected trees and protected species (Reptiles and breeding birds).

Updated comments confirm that the BNG mitigation hierarchy has been followed and that no reptile RMS is required at this stage as phase 2 is for outline. Concerns were raised that the AIA lacked information on tree removal on phase 2 but updated comments received based on the agents response has confirmed that as this part is in outline, details submitted are acceptable.

In respect of the bat survey, updated surveys will be required prior to the RM for phase 2 and that a Bat Sensitive Lighting Scheme is required (which can be secured by condition.)

A Habitats Regulations Assessment (HRA) Screening Note has been submitted and confirms that the site does not represent suitable supporting or foraging habitat for qualifying features of the Arun Valley SPA, including Bewick's swan. It is agreed that, as Competent Authority, the Local Planning Authority can lawfully screen out likely significant effects, and no Appropriate Assessment is required.

## COMMENTS ON CONSULTATION RESPONSES:

Comments noted

### POLICY CONTEXT

Designation applicable to site:

Within the Built up Area Boundary (BUAB)

## DEVELOPMENT PLAN POLICIES

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

|        |                                                              |
|--------|--------------------------------------------------------------|
| DDM1   | D DM1 Aspects of form and design quality                     |
| DDM4   | D DM4 Extensions and alter to exist builds (res and non-res) |
| DSP1   | D SP1 Design                                                 |
| ECCDM1 | ECC DM1 Renewable Energy                                     |
| ECCSP2 | ECC SP2 Energy and climate change mitigation                 |
| EMPDM1 | EMP DM1 Employment Land: Development Management              |
| EMPDM2 | EMP DM2 Enterprise Bognor Regis                              |
| EMPSP1 | EMP SP1 Strategic Economic Growth                            |
| ENVDM1 | ENV DM1 Designated Sites of Biodiversity or geographical imp |
| ENVDM4 | ENV DM4 Protection of trees                                  |
| ENVSP1 | ENV SP1 Natural Environment                                  |
| GISP1  | GI SP1 Green Infrastructure and Development                  |
| QEDM1  | QE DM1 Noise Pollution                                       |
| QESP1  | QE SP1 Quality of the Environment                            |
| RETDM1 | RET DM1 Retail development                                   |
| RETSP1 | RET SP1 Hierachy of Town Centres                             |
| SDSP1  | SD SP1 Sustainable Development                               |

|            |                                                   |
|------------|---------------------------------------------------|
| SDSP2      | SD SP2 Built-up Area Boundary                     |
| SKILLSSP 1 | SKILLS SP1 Employment and Skills                  |
| TDM1       | T DM1 Sustainable Travel and Public Rights of Way |
| WDM2       | W DM2 Flood Risk                                  |
| WSP1       | W SP1 Water                                       |

|                                                                |                                                                          |
|----------------------------------------------------------------|--------------------------------------------------------------------------|
| <a href="#">Littlehampton Neighbourhood Plan 2014 Policy 1</a> | The Presumption in Favour of Sustainable Development                     |
| Littlehampton Neighbourhood Plan 2014 Policy 2                 | A Spatial Plan for the Town                                              |
| Littlehampton Neighbourhood Plan 2014 Policy 21                | Proposals to increase the recreational and tourist use of the River Arun |
| Littlehampton Neighbourhood Plan 2014 Policy 8                 | Business Incubator                                                       |
| Littlehampton Neighbourhood Plan 2014 Policy 9                 | Local Centres                                                            |

#### 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                   |
| SPD13 | Arun District Design Guide (SPD) January 2021 |

#### 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 is not considered to comply with the relevant development plan policies in that there is insufficient evidence to adequately demonstrate whether the proposal is deliverable on the site without prejudicing surface water drainage for the site and leading to surface water runoff and increased flooding elsewhere.

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.

## BIODIVERSITY NET GAIN

This application is liable for Biodiversity Net Gain (BNG) and the following is a summary of the key points:

- On site habitat enhancement delivering 2.84 habitat units and on site habitat creation delivering a further 2.51 habitat units.
- A residual shortfall remains, requiring 15.03 off site habitat units in order to achieve the mandatory minimum 10% biodiversity net gain

## CONCLUSIONS

This hybrid proposal comprises of the following:

1)Full Application for Phase 1 (East of the Site) for a food store (Use Class E(a)), 2 No Drive-Thru food/beverage units (Sui Generis) with revised vehicular access, associated parking and landscaping; and

2)Outline application with all matters reserved (except access) for Phase 2 (West of Site) comprising development of approximately 8,800sqm GIA Light Industrial/Storage and Distribution (Use Class E(g)(iii) / B8).

The application site is located within the Built Up Area Boundary (BUAB). Phase 1, to the east of the site, is currently occupied by a warehouse and surrounding hardstanding whilst Phase 2 is currently overgrown but was previously a horticultural nursery.

### PHASE ONE (Full for retail and drive thru units)

There are two strands to Phase 1 of the application and will be addressed in turn:

- The loss of employment space
- Proposed retail development

### Loss of employment space:

ALP policy EMP DM1 seeks to protect and enhance existing employment sites and premises. Section 2 within the policy states existing employment sites and premises will be protected where there remains a reasonable prospect of employment use. It further states that a change of use from Business Class (B1-B8) or similar sui generis uses will not be permitted unless:

- (a)it is demonstrated that the site is no longer required and is unlikely to be re-used or redeveloped for industrial/commercial\* purposes; or
- (b)the existing location poses insurmountable environmental harm or amenity which cannot be satisfactorily resolved.

\*NB commercial does not include retail.

With regards to criterion a, the existing building was purpose built for the previous occupier in 1990, however has been left vacant for several years. The building has been marketed for re-sale/lease since January 2022, however, there has been no interest from a commercial occupier. This is supported by marketing evidence, which demonstrates that the existing industrial site is no longer required and unlikely to be re-used in its current form, in line with criterion (a) of Policy EMP DM1. With regards to criterion b, this is not considered relevant to this site.

Retail development:

The proposed scheme raises two key retail and town centre considerations: compliance with the sequential test and the impact on town centre vitality, viability and investment, as required by the NPPF and ALP policies EMP SP1, RET DM1 and RET SP1.

To inform its assessment, the Council obtained independent retail advice from Nexus Planning on both the sequential and impact tests.

Section 7 of the NPPF promotes a 'town centre first' approach. Paragraphs 91 and 92 require main town centre uses to be directed to town centres first, then edge-of-centre locations, with out-of-centre sites only considered where suitable alternatives are unavailable. Preference should be given to accessible sites that are well connected to town centres.

Paragraph 94 requires an impact assessment for qualifying out-of-centre retail and leisure development, including consideration of impacts on existing and planned investment and on town centre vitality and viability. Paragraph 95 states that proposals failing the sequential test or resulting in a significant adverse impact should be refused.

However, the Court of Appeal in *Asda v Leeds City Council* EWCA Civ 32 confirmed that "should be refused" does not mean "must be refused", and that other material considerations may outweigh policy conflict.

The application site is in an out-of-centre location, and the proposal constitutes a main town centre use. Accordingly, the proposal must be assessed against the sequential and impact tests, consistent with the NPPF's town centre first approach.

### The Sequential Test

Applicants proposing retail development on out of centre sites need to demonstrate that no suitable site can be found, firstly within the existing town centre or, secondly, on the edge of the centre.

As the application is a Town Centre use on an out of centre site, a Sequential Assessment has been submitted to explore if there are sequentially preferable sites on which the development could be located.

The role of the sequential test is to establish whether there are more sequentially preferable sites that the development should be located on within the catchment area and whether they are suitable and available for the development. This includes those sites located within, and on the edge of, existing centres and as part of proposed/allocated centres.

Paragraph 011 of the Town Centres PPG provides a 'checklist' for the application of the sequential test in decision taking. It indicates that where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre; it is not necessary to demonstrate that a potential town centre or edge of centre site can

accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal. If there are no suitable sequentially preferable locations, the sequential test is passed.

At the present time, the current version of the NPPF does not specifically require the disaggregation of proposals as part of the sequential test. Therefore, for the purposes of this assessment, alternative locations have been assessed on the basis of their ability to accommodate all three main town centre land use elements of the proposed development. However, it is acknowledged that proposed revisions to the NPPF may introduce a requirement to consider the disaggregation of development proposals as part of the sequential test process. Should a revised version of the NPPF be formally adopted prior to the determination of this application, the sequential test may need to be revisited and reassessed against the updated policy requirements. In such circumstances, the conclusions of the sequential assessment presented in this report could change materially, potentially leading to different findings regarding the availability and suitability of alternative sites.

Whilst the specifics for the application LU/93/25/PL will be dealt with separately within the relevant report, it is to be noted that the list of sites have been agreed and consistently assessed through both applications:

- The former Waitrose store, Littlehampton
- Other vacant units in Littlehampton and Rustington
- North Littlehampton/Hampton Park
- The Windmill, Coastguard Road
- Land at Paterson Wison Road
- Land west of Brook Lane and south of the A259 Angmering
- Land north of Water Lane, Angmering
- Land at Arundel Road, Angmering

The overall conclusions of the sequential test are that no suitable and available sequentially preferable sites exist to accommodate all three elements of the proposed development. Most identified alternatives can be discounted at an early stage due to clear "in principle" constraints, including lack of availability (due to existing uses or committed redevelopment), insufficient size or inability to accommodate the required format, or their location being less sequentially preferable in terms of accessibility and connectivity with town centres.

While a limited number of sites are sequentially preferable in terms of location, these are either unavailable, constrained by existing permissions, or incapable of delivering the scale and form of the three main town centre land use elements of the development proposed. Even the only location warranting more detailed consideration (North Littlehampton) is concluded to be unsuitable in practice due to its limited scale, uncertainty, and inability to accommodate the proposals.

Consequently, none of the identified sites are deemed to be sequentially preferable alternatives that could meet the identified requirements. This conclusion is supported by the advice from Nexus (in particular in the report dated February 2026).

Therefore, the proposed development is compliant with national and local planning policy and the sequential test has been passed. The site therefore represents the most sequentially appropriate option, in accordance with paragraphs 91 and 92 of the NPPF and ALP policies RET SP1 and RET DM1 .

#### Retail impact

In line with both national and local policy requirements, a Retail Impact Assessment (RIA) was submitted

by the applicants which was reviewed by Nexus Planning on behalf of the Council with the original advice provided in October 2025.

Nexus Planning having reviewed the RIA on behalf of the Council, have advised that the proposal would result in a clear diversion of convenience expenditure from established centres, particularly Littlehampton town centre. This is primarily due to the scale and nature of the proposed food store (for which Aldi is the intended operator) which would compete directly with existing provision and draw trade away from key operators.

The assessment identifies a clear adverse impact on Littlehampton town centre, with convenience goods impacts in the order of approximately 12-14%, and an overall turnover reduction of around 7-8%. The greatest effect is anticipated on the Littlehampton Lidl, which is expected to experience the most notable trade diversion. In Rustington, the impacts are more moderate, with convenience impacts of circa 3-4% and overall reductions in the region of between approximately 1-3%. By contrast, impacts on comparison goods turnover are limited. As to Wick local centre, Nexus advise that there will also be an adverse impact, but again smaller than the scale of impact on Littlehampton town centre.

In addition to the quantitative effects, the proposal would give rise to qualitative impacts on the health and vitality of centres. In particular, the diversion of trade from town centre food stores is likely to reduce linked trips, which are important in supporting wider retail and service provision. This effect has the potential to compound the direct turnover impacts, particularly in a town centre context where such linked activity is a key contributor to overall vitality.

Taking these factors together, it is concluded that the proposal would have a clear adverse impact on the defined centre of Littlehampton town centre. There would also be adverse impacts on Rustington and Wick, but smaller than the scale of impact on Littlehampton town centre. Considering these impacts, mitigation measures have been identified and are considered below.

## Mitigation

The Council's retail evidence identifies that the proposal, prior to mitigation, would give rise to a clear adverse impact on Littlehampton town centre, with a significant adverse impact not ruled out, and adverse impacts on Rustington and Wick local centres, primarily as a result of consequential trade diversion. Independent advice is clear that the principal harm arises from the loss of expenditure and resulting structural effects on the function and role of these centres, rather than solely from qualitative deficiencies in the public realm or town centre management.

In light of the above, a package of mitigation measures has been prepared which require careful consideration as to whether they are capable of reducing the identified impact.

National policy in the NPPF (paragraphs 56 - 58) advises that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations (secured through Section 106 of the Town and Country Planning Act 1990, as amended) are legal agreements used to mitigate the site specific impacts of development. Such obligations are negotiated having regard to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended), which require that they are:

i) necessary to make the development acceptable in planning terms;

- ii) directly related to the development; and
- iii) fairly and reasonably related in scale and kind to the development.

In practice, obligations may secure, inter alia, contributions towards infrastructure, and controls over the use or operation of the development. They are applied alongside any relevant Community Infrastructure Levy (CIL) liability, with careful attention to avoiding duplication, and are tailored on a case-by-case basis to address the specific residual impacts of a proposal following the application of planning conditions and other mitigation measures.

During the course of the application, discussions have taken place between the applicant, Council Officers and Nexus Planning regarding the potential mitigation of retail impacts arising from the proposed development. These discussions have focused on whether mitigation measures could be identified which would be capable of addressing the predicted impacts on defined centres, having regard to national and local retail policy and the statutory tests for planning obligations referenced above.

Having regard to the advice of Nexus Planning and the Council's assessment of the proposed development, Members are advised that a package of mitigation measures has been explored on a without prejudice basis in order to test whether the forecast retail impacts could be reduced to an acceptable level in planning terms.

The proposed mitigation package comprises:

- A financial contribution towards a Town Centre Manager (TCM) (3 days per week) to support Littlehampton town centre and Wick local centre (£37,500 per annum for a 5-year period (£187,500))
- Financial contributions towards a range of town centre improvement initiatives, including public realm enhancements, events programming, and installation of public art aligned with the Littlehampton Town Centre Action Plan (2025) (£47,813 per annum for a 5-year period (£239,065))
- Financial contributions towards a range of local centre improvement initiatives for Wick intended to reinforce and improve the centre as a key local day to day retail and service centre for the local population (£14,000 per annum for a 5-year period (£70,000))
- An obligation to ensure that the proposed food store is not occupied by an existing grocery retailer in nearby 'town centres' unless there is an on obligation/commitment to the town centre store remaining open; and
- A series of planning controls over the nature and operation of the food store (to be secured by condition).

No specific mitigation has been sought in respect of Rustington local centre. This reflects the Council's position that Rustington is a healthy centre, characterised by a retail offer which does not have a large trading overlap with the Norway Lane proposal. It also does not have the same close proximity to the Norway Lane proposal as the defined centre at Wick. In addition, the Norway Lane scheme is materially different in both scale and intended occupiers that it does not represent direct competition of the same form or function. In this context, and having regard to the nature of the identified impacts, Officers consider that targeted mitigation for Rustington is neither necessary or justified.

In considering these measures against the statutory and policy tests for planning obligations, the measures are directly related to the development and are targeted towards supporting the health and attractiveness of nearby centres. Consideration must also be given to whether the mitigation is necessary to make the development acceptable and fairly and reasonably related in scale and kind to the impacts identified.

Nexus have confirmed that, taken collectively, these measures would have the effect of reducing the scale of impact on existing centres. In particular, the mitigation is expected to limit direct competition with key town centre anchors and maintain a degree of expenditure retention within the centre. This, in turn,

reduces the likely extent of secondary impacts, including decline in footfall and linked trips, which are critical to the wider health of Littlehampton Town Centre.

The applicant has formally confirmed, in writing, agreement to the proposed mitigation measures, which helps to provide assurance that they will be delivered. The measures would be secured and enforceable through planning conditions and obligations as appropriate.

Whilst adverse effects would remain, the evidence indicates that the magnitude of harm would not reach the threshold of significant adverse impact as set out in national policy. Accordingly, the proposal, as mitigated, is considered to result in an adverse impact on the vitality and viability of Littlehampton Town Centre, and a lesser impact on other centres, but not one that is significant in policy terms. Accordingly, in this respect there is compliance with the retail impact test in national and local planning policy.

#### PHASE 2 (Outline - Light industrial/storage & distribution)

The site lies within the Built-Up Area Boundary (BUAB) with the eastern side of Phase 2 allocated in the Littlehampton Neighbourhood Development Plan (policy 7) for employment development. Notwithstanding the lack of an allocation on the western half of Phase 2, the whole site is located within the BUAB meaning there is no objection in principle to the proposed development.

#### Conclusion on the principle

It has been outlined that there are two key tests in the NPPF which apply to an application of this nature: the sequential test; and the impact test, with the latter split into two parts and summarised as: impact on investment; and impact on town centre vitality and viability.

Independent Retail Consultants (Nexus Planning) were appointed by the Council to review the applicant's retail assessment and advise on impacts. Full details are available to view online in reports dated September 2025, February 2026 and June 2026, but a summary is as follows.

Following the submission of further information, it is concluded that the proposal passes the sequential test. In respect of the impact test, the development would result in a clear adverse impact on the vitality and viability of Littlehampton town centre, arising from trade diversion and increased competition from the proposed food store and drive-thru units. Whilst the evidence does not conclusively demonstrate that these impacts would be significantly adverse, such an outcome cannot be entirely ruled out in the absence of mitigation.

The proposal would also have adverse impacts on Rustington and Wick local centres, although these would be of a lesser magnitude than those identified for Littlehampton town centre. Nexus Planning advises that the mitigation package set out in its June 2026 review is necessary to address these impacts and make the proposal acceptable in retail planning terms. In particular, the proposed measures provide greater confidence that the effects on Littlehampton town centre would be reduced to an adverse, rather than significantly adverse, level.

The conclusion of officers, as supported by the appointed consultant referenced, in respect of the sequential approach to development, is that there are no sequentially preferable sites that are both available and suitable to accommodate the principal parts of the application proposal, allowing for flexibility. The proposal therefore accords with the requirements of paragraphs 91 and 92 of the NPPF.

With regard to the impact test, overall, the proposal is assessed as having:

- an adverse impact on Littlehampton town centre;
- adverse impacts on Rustington and Wick local centres; and

·no significant adverse impact on to planned or committed town centre investment.

The proposed mitigation package assists in reducing these impacts and providing greater confidence that no significant adverse effect will arise (noting that, prior to mitigation, a significant adverse impact could not be ruled out). With mitigation, there is compliance with the retail impact test in local and national policy.

## CUMULATIVE ASSESSMENT

Application LU/93/25/PL relates to a site off Norway Lane and is an application seeking full permission for the part demolition, conversion, refurbishment and re-elevation of Units 5 and 6 and construction of retail (food and non-food) and food & beverage units (Use Class E), together with associated car parking, access, loading areas, landscaping and associated works.

As set out above, the current application in isolation is expected to give rise to clear adverse impacts on Littlehampton and material adverse impacts on Rustington and Wick centres. When considered cumulatively with the Norway Lane scheme, the evidence demonstrates that these impacts would be further intensified through increased trade diversion and competition. Forecast impacts suggest a cumulative reduction in turnover of around 20-23% in Littlehampton town centre and 8.4-9.6% in Rustington local centre. While there is some overlap between the schemes, the overall cumulative effect remains materially greater than the individual impacts, placing additional pressure on the vitality and viability of these centres.

The combined effect would be likely to exacerbate reduced retailer performance, increase the risk of store closures, and further weaken the role and function of Littlehampton, and to a lesser extent Rustington. Officers therefore conclude that the cumulative impact of both schemes would be significantly adverse and would attract substantial weight in the overall planning balance.

If only the New Courtwick Lane scheme were to come forward, with the Norway Lane scheme not brought forward or implemented, officers consider that the retail impacts arising from the New Courtwick Lane scheme alone would not be of a scale or significance sufficient to constitute a reason for refusal, for the reasons set out in the impact assessment above. However, should the Norway Lane scheme also come forward, officers conclude that the cumulative impact of the two developments would be significantly adverse, unacceptable in retail planning terms, and would constitute a reason for refusal.

## REUSE OF A PROMINENT VACANT BROWNFIELD SITE

Phase 1 (Full) relates to the eastern parcel of the application site which comprises one large building that is showing signs of visual deterioration. The proposal principally seeks its removal and the creation of three separate units spread across this part of the site whilst Phase 2 (Outline) relates to the western parcel of the site, which is currently overgrown, having previously been used as a nursery for horticulture.

The supplementary information submitted with the application highlights the benefits of the reuse of a relatively prominent brownfield site.

The site has been vacant for a number of years and therefore it is important take into consideration that the development proposal will enable the regeneration of a long-term vacant site that is poorly maintained, with self-seeded vegetation which has become overgrown and therefore detracts from the visual quality of the surrounding area.

The LPA is keen to optimise the use of brownfield sites and officers conclude that this can be given some weight in the planning balance.

## ECONOMIC BENEFITS

ALP Policy EMP SP1 highlights the District's aims to support the growth of the local economy to meet the needs of varying occupiers by promoting regeneration of the District's main town centres as the focus for retail, office and leisure development, the provision of new high quality employment sites and protecting and enhancing existing and allocated employment sites.

ALP Policy EMP DM1 states that the Council will seek to protect and enhance existing employment sites and premises to maintain a supply of good quality commercial sites, by supporting measures to upgrade or modernise existing employment areas/premises which will make a more efficient use of under-used employment sites.

Policy SKILLS SP1 states that the Council will encourage development proposals that raise skill levels and increase employability, tackle skill shortages in existing or potential business sector clusters and address barriers to employment for economically inactive people.

Paragraph 85 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

An Economic Benefits Statement (EBS) dated December 2024 was submitted with the application. This document seeks to identify the economic benefits associated with the proposed development. It states that the scheme would generate short-term benefits during construction, including an estimated 74 full-time equivalent (FTE) construction jobs over a 32-week construction period for Phase 1.

In terms of operational benefits, the EBS estimates that the development would generate an annual turnover of £20.05 million (Retail Impact Assessment, Table 8, March 2025). However, a significant proportion of this expenditure would be diverted from existing retail provision within Arun. The latter figure cited has been calculated to exclude the parts of Durrington/West Durrington that fall outside Arun District. Table 6 of the RIA identifies a £14.63m trade diversion impact on convenience goods within the study area, while Table 7 identifies a £3.66m impact on comparison goods. Deductions of £1.26m for convenience goods and £0.26m for comparison goods have been made to account for the Durrington/West Durrington areas outside Arun, resulting in a total impact of £16.77m. This ensures the assessment reflects only impacts arising within Arun. Accordingly, the development is expected to generate approximately £3.28m in additional expenditure from outside the district.

The EBS also states, in relation to Phase 1, that the completed development would support 110 FTE on-site jobs. It is relevant to note, as part of the planning balance, that these are likely to be primarily entry-level positions. The Council's Economic Development Team, in their consultation response dated 22 October 2025 on planning application LU/93/25/PL, identified that there were over 80 retail-related job vacancies in Littlehampton and the surrounding area at that time. A further review (June 2026) identified approximately 45 retail-related vacancies within a 10-mile radius of Littlehampton. This indicates that similar entry-level retail roles are readily available within the local and wider labour market.

Furthermore, the 110 FTE figure represents a gross estimate and does not account for employment displacement resulting from trade diversion from existing retail businesses within Arun. The EBS submitted by the applicant identifies a net increase of 60 FTE jobs; however, the methodology underpinning this figure has been subject to further review by the Council.

Officers have engaged with the applicant on this matter and requested clarification on the approach used

to calculate the net employment impact. To ensure consistency between this application and LU/93/25/PL, the Council has applied the same methodology as that set out in paragraph 7.2 of the Economic Benefits Addendum prepared in association with that application. This indicates that a £2.1 million reduction in turnover may result in the loss of approximately 8 FTE jobs, based on the average turnover per employee in the sector.

Applying this ratio to the estimated £16.77 million of diverted expenditure within Arun suggests a potential displacement of approximately 64 FTE roles.

On this basis, the proposed development would result in a net increase of approximately 46 FTE jobs. While this represents a positive employment impact, the scale of net job creation is moderated once displacement effects are considered. Furthermore, there are approximately 45 retail job vacancies advertised within a 10-mile radius of Littlehampton, although it is acknowledged that some of these roles fall outside the Arun District. Nevertheless, this indicates that comparable employment opportunities are readily available within the wider local labour market.

Given the relatively modest scale of net job creation, the nature of the roles as primarily entry-level retail positions, and the existing availability of similar employment opportunities, the economic benefits associated with job creation are limited. Accordingly, limited weight should be attributed to the employment benefits of the proposal in the overall planning balance.

In addition, the EBS estimates that the development would generate approximately £310,000 in business rates.

While the outline Phase 2 element of the hybrid application has the potential to generate between 63 and 86 net additional FTE jobs and approximately £344,000 in business rates (a proportion of which would be retained by Arun District Council), these benefits are subject to a high degree of uncertainty. Phase 2 has been submitted in outline only, with no secured delivery mechanism, phasing triggers, or planning obligations to ensure its implementation alongside the Phase 1 retail development. Furthermore, the presence of significant unresolved drainage constraints raises substantial doubts as to whether this phase of development would be deliverable in practice.

Given this uncertainty, and the fact that Phase 2 is not required to facilitate the delivery of the submitted retail development, the associated economic benefits cannot be regarded as reasonably certain. As such, only very limited weight should be afforded to the potential benefits of Phase 2 in the overall planning balance.

In addition, the EBS estimates that Phase 1 of the development would generate approximately £310,000 in annual business rates from the proposed retail units (Aldi, McDonald's and Costa). Phase 2, which comprises smaller commercial and industrial units, is anticipated by the applicant to generate a further £344,000 in business rates. However, this element of the scheme is submitted in outline only, with no certainty as to the final size, number, or composition of units. The applicant concludes that the combined total of approximately £654,000 would represent a 2% increase relative to the total business rates collected by Arun District Council in 2023.

These figures appear reasonable in broad terms when compared against the existing rateable values on the site, which are understood to be approximately £440,000 and £107,000. However, it should be noted that all such estimates are indicative, as rateable values are determined independently by the Valuation Office Agency (VOA), not the Council.

In respect of Phase 1, the proposed development would replace existing rateable properties on the site, and whilst an uplift is indicated when compared against current assessed values, this should be treated

with some caution given the variability inherent in VOA assessments.

In relation to Phase 2, the site currently comprises undeveloped land and does not generate any business rates income. As such, any future development of this element would represent a new source of revenue. However, given that Phase 2 is submitted in outline only and is subject to a high degree of uncertainty, including the absence of secured delivery mechanisms, the extent to which these benefits would be realised is unclear.

Taking these factors into account, the business rates benefits associated with Phase 1 can be afforded limited weight in the overall planning balance, while the potential business rates arising from Phase 2 attract very limited weight due to the significant uncertainty surrounding their delivery.

Overall, the proposal would deliver some economic benefits, but these are modest in scale and would not carry significant weight in the overall planning balance. Were the application to be recommended for approval, an Employment and Skills Plan could be secured by condition to support local labour and training opportunities in line with Policy SKILLS SP1.

## VISUAL AMENITY/DESIGN

ALP Policy D SP1 requires proposals to make an efficient use of the land whilst being reflective of the characteristics of site. Proposals should be derived through a site analysis and context appraisal, adhere with sustainable design objectives and demonstrate how these influence the form of development.

ALP Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout and Scale.

ALP Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Policy 22 of the Littlehampton Neighbourhood Plan relates to the Design of New Development encourages all planning applications submitted for major development proposals to be considered by a Littlehampton Design Assessment Panel as part of the pre-application consultations.

Paragraph 135 of the NPPF ensures proposals function well through their life, are visually attractive as a result of high-quality design, are sympathetic to local character, establish or maintains a strong sense of place.

Arun Design Guide was adopted in 2021 with updates in 2024 and is a material consideration in determining planning applications. The Design Guide cannot be applied entirely given part of the proposal is in outline form therefore details of design are not the subject of detailed consideration for Phase 2.

The National Design Guide (January 2021) forms part of the Government's collection of planning practice guidance. Paragraphs 20-21 of the Design Guide explain how good design should pay regard to place and context and that 'a well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings'. Part 2 of the Guide sets out ten characteristics for good design, namely Context, Identity, Built form, Movement, Nature, Public spaces, Uses, Homes and buildings, Resources and Lifespan.

Phase 1 (Full for retail/drive thru units)

This part of the proposal is to provide three separate commercial units with the existing building on site to be demolished of no significant architectural merit and therefore with limited positive contribution to the visual appearance of the area. Given this, there is no objection on design grounds to the redevelopment.

The proposed Aldi food store is of a design that replicates the corporate identity which has a modern, contemporary style incorporating a mono-pitched roof with an overall ridge height of 6m. The palette of materials combines silver and grey cladding, aluminium windows, steel doors and glazing.

There proposes extensive glazing to the southern elevation and a small element to the eastern elevation at the shop entrance which will offer views into the sales area, add visual interest and create an active frontage to the development. A canopy partially wraps above the shop frontage and trolley park to the southern and eastern elevations which again adds some visual interest to the building. Broadly one-storey in height, this will be of a similar height to the proposed drive thru units to the south, although these would not be read together due to the gap proposed and intervening central spinal road.

The overall design of the drive thru units are generic to the McDonald's and Costa brands with floor areas 286 sq m and 167 sq m respectively. The proposed buildings have been designed based on the function of the building and to reflect the McDonald's and Costa corporate image, both incorporating a shallow monopitch roof with an overall height of 4.7m and 5.5m high respectively. The palette of materials are to incorporate cladding materials including metal, glazing, brick and timber.

Whilst it is considered that the proposed buildings are not necessarily 'beautiful', as per paragraph 131 of the NPPF, they are modern, functional, and propose a good quality finish which would create a clear identity to the development as a whole whilst identifying each corporate identity and therefore integrate well with the surrounding context. The design of the units and their impact from the A259 are considered acceptable, taking into account distance retained to the road along with existing and proposed landscaping.

In terms of functionality, the development would be well laid out with clearly defined service yard areas and staff/visitor car parking and cycle parking with good vehicle manoeuvring space to be provided across the site.

In terms of hard landscaping, the proposal involves the provision of block paving at the store entrances and a tarmac car park.

The application site is not a sensitive landscape and the layout and architectural treatment as considered above ensures a high-quality scheme that will be appropriate in its context.

Overall, the design and layout and scale will promote the efficient use and, importantly, will see a visual enhancement to this previously developed and currently vacant site, in accordance with Arun Local Plan Policies D SP1 (Design) D DM1 (Aspects of Form and Design Quality), QE SP1 (Quality of the Environment) and Littlehampton Neighbourhood Plan Policy 22 (Design of New Development).

Phase 2 (Outline for up to 8,800 sq m Light Industrial/Storage and Distribution)

Details of appearance, layout, landscaping and scale are to be submitted at Reserved Matters stage; however, the Council must be satisfied that an appropriate design can be brought forward through any subsequent reserved matters application before granting planning permission.

An indicative proposed block plan has been provided along with street scene elevations showing Phase 2 in relation to Phase 1. Whilst these are purely indicative, it shows the provision of contemporary buildings with shallow pitched roofs. The topography of the land is such that the central part is slightly lower than the outer limits with the indicative plans showing the taller units centrally located and the lower

height units in closer proximity to the site boundary closest to residential properties.

The development would represent a visual change from the existing overgrown site, however, the scheme would provide an opportunity to deliver buildings of high quality and of a more modern design that will only seek to enhance the site and within the wider area, however, with matters relating to design, scale and layout reserved, it is considered that any potential impacts could be suitably addressed at reserved matters stage.

## RESIDENTIAL AMENITY

In addition to ensuring that developments are designed to be visually attractive, the NPPF (at paragraph 127) advises that planning decisions should create places that provide a high standard of amenity.

ALP policy D DM1 requires there to be minimal impact to users and occupiers of nearby property and land. Policy QE SP1 requires development to contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity.

ALP policy QE DM1 states that to safeguard the continued use of existing industrial and commercial uses and to protect amenity, noise sensitive development should not normally be permitted where high levels of noise will continue throughout the night, especially during the hours when people are normally sleeping and there is a likelihood of complaints about noise from industrial development.

To the north and west of the application site there are residential properties which could be impacted upon. These include the streets of Ernest Fitches Way, Millfield Court, Courtwick Lane and Kingfisher Way which comprise dwellings of varying sizes and materiality.

### Phase 1 (Full for retail/drive thru units)

The nearest properties to Phase 1 are situated to the north-east on Millfield Court. The proposed food store will partially overlie the siting of the existing unit that is to be demolished and will be sited further back into the plot from the street frontage. This ensures a separation distance of approximately 33m to the boundary with Millfield Court. When having regard to the separation distance to residential properties and the retention of existing trees and hedgerows along the boundary with Millfield Court, this will provide a visual and acoustic buffer from the development. There are no concerns with regard to issues of overshadowing, overbearing impact, or visual intrusion from the buildings. In addition, there would be no overlooking problems given the separation distances and the use proposed.

First stage consultation with the Council's Environmental Health team identified shortcomings with the content of the submitted noise assessment with target levels from new plant/machinery for the proposed development substandard. Further consultation with the EHO based on a supplementary Technical Note early October to address the concerns raised then resulted in no objections.

Overall, and with conditions to be imposed, it is concluded that the proposed development would not have a significant adverse impact on standards of residential amenity in the locality. It is considered that the requirements of ALP policies D DM1 and QE SP1 and the NPPF would therefore be met.

### Phase 2 (Outline for up to 8,800 sq m Light Industrial/Storage and Distribution)

The nearest properties to Phase 2 of the development are sited beyond the boundary to the west along Ernest Fitches Way. The parameter plans show a gap of 16m is proposed to the boundary with the properties and 28m distance between the rear elevations of the properties and the proposed units. Further to this, a street scene plan shows the lower height light industrial/storage buildings to the western

end of the site closest to the residential properties. This element is in outline form and therefore it is not possible to make a detailed assessment of residential amenity, however, considering the size of the site, quantum of development and indicative plans there is adequate space within the confines of the site to design a scheme which would accord with the requirements of ALP policies D DM1 and QE SP1, and the ADG.

Overall, and with conditions to be imposed, it is concluded that the proposed development would not have a significant adverse impact on standards of residential amenity in the locality. It is considered that the requirements of ALP policies D DM1 and QE SP1 and the NPPF would therefore be met.

## OTHER ENVIRONMENTAL IMPACTS

### Light pollution

ALP policy QE DM2 states outdoor lighting should not have an adverse impact on neighbouring uses or the wider landscape, particularly regarding the South Downs International Dark Sky Reserve designation. Further, it is required that schemes proposing outdoor lighting be accompanied by a lighting assessment.

The proposed development would introduce new lighting to an area where it is predominantly street lighting along the peripheral routes. Whilst a lighting strategy has not been submitted, submission of details can be imposed through condition - and as requested by the Council's Ecology Officer - and this will ensure lighting is designed to be sensitive to bats/other wildlife using site boundaries. Were the application to be approved, a condition could be imposed to ensure that the proposals would accord with relevant development plan policies.

### Contamination

ALP Policy QE DM4 states that prior to development, the Council will require evidence to show that unacceptable risk from contamination will be successfully addressed through remediation without undue environmental impact during and following the development.

Given its previous use, a pre commencement condition is considered necessary to deal with risks associated with land contamination should any visible contaminated or odorous material be uncovered during development. Such a condition would ensure that the development was in accordance with ALP policy QE DM4.

### Air Quality

ALP Policy QE DM3 states that major developments must address air quality impacts by reducing reliance on cars and minimising pollution. This includes being close to public transport, prioritizing walking and cycling, supporting cleaner vehicles (like electric cars with charging points), and improving roads if the project is expected to increase traffic congestion.

The site is not within an Air Quality Management Area (AGMA). No consultee concerns have been raised regarding the potential for the development to lead to a deterioration in levels of air quality, although a condition is to be imposed should the application be approved, which will require the submission of a Construction Environmental Management Plan (CEMP). This would include measures to control the emission of any dust and dirt from the demolition and construction processes. There is also a requirement for low emission vehicle charging infrastructure to be installed within the development (to be conditioned), which could help to promote the uptake of low emission vehicles.

Were the application be recommended for approval, conditions requiring the submission of a CEMP and

the provision of EV charging points the development would be imposed and would ensure compliance with ALP Policy QE DM3, in terms of air quality.

## IMPACT ON HERITAGE ASSETS

Paragraph 207 of the NPPF requires the applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Paragraph 208 of the NPPF requires the local planning authority to identify and assess the particular significance of any heritage asset that may be affected by a proposal, taking account of the available evidence and any necessary expertise.

Paragraph 210 of the NPPF states that in determining applications, the local planning authority should take account of the desirability of sustaining and enhancing the significance of heritage assets; the positive contribution that conservation of heritage assets can make to sustainable communities; and the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. This is irrespective of the degree of potential harm.

Paragraph 215 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal.

ALP Policy HER DM1 states that development must preserve or enhance the setting of a listed building, recognising that its significance often extends beyond the structure itself to its surroundings.

Courtwick Park House is a mid-18th century farmhouse, currently a residential care home and is Grade II listed. Courtwick Park Stables were constructed as subsidiary buildings to the farmhouse and are also Grade II listed.

Of particular relevance to the built historic environment is phase 2 of the application, outline for light industrial/storage and distribution. The northern part of this phase is located approximately 100m from the heritage assets listed above and is separated by Courtwick Lane and mature vegetation. This vegetation is located in the northern part of the site and forms its boundary.

To the immediate south of the farmhouse is a new housing estate which has helped to negatively impact the wider setting of the heritage assets. Also of note is the Strawberry Fields Building which limits the opportunity for intervisibility between the site and Courtwick Park House.

The heritage statement submitted with the application identifies that the closest built form in phase 2 will be of low building height, not exceeding two storeys, which should help to ensure that it reflects the neighbouring modern houses. This part of the application is in outline form, therefore would be addressed at reserved matters, for which further consultation would be carried out.

The existing mature vegetation along with proposed additional landscaping in the northern part of the site helps to screen the site and prevents intervisibility between Courtwick Park House and the development site.

On balance and considering the manner to which the development proposals would be viewed from and in association with Courtwick Park House, it has been concluded that no harm would arise to the overall heritage significance of these assets, via a change in its setting. It is also clear that the stables are already well screened from the site as a result of some mature trees. Therefore, it is considered that the development will not impact the setting of the listed building, and as a consequence, there is no harm to the overall significance of the heritage asset.

The Council's Conservation Officer was consulted on the application and concludes that the impact of the proposed development would result in no harm to the setting of the designated heritage assets, and therefore not harm their significance. It is therefore considered that the proposal accords with the heritage objectives of the National Planning Policy Framework (NPPF), which seek to conserve heritage assets in a manner appropriate to their significance. The proposal is also compliant with ALP Policy HER DM1, as it would preserve the setting of nearby listed buildings.

## DRAINAGE AND FLOODING

The NPPF seeks to ensure that development appropriately manages flood risk and incorporates sustainable drainage systems (SuDS), directing development away from areas at greatest risk of flooding and requiring surface water to be managed in accordance with the drainage hierarchy. Policy W DM3 of the Arun Local Plan requires development to incorporate appropriate SuDS measures and make adequate provision for the management of surface water arising from development.

The site lies within Flood Zone 1 and is therefore at the lowest risk of flooding from rivers and the sea, with a less than 0.1% annual probability of flooding. Consequently, the Sequential and Exception Tests are not required. Whilst the site is generally at low risk of fluvial and pluvial flooding, surface water flood mapping identifies limited areas within the site that are susceptible to flooding during extreme rainfall events, including areas affected during the 1 in 30 year event and isolated pockets affected during the 1 in 1,000 year Annual Exceedance Probability (AEP) event.

A Flood Risk Assessment and Drainage Strategy (FRADS) has been submitted in support of the application, together with a number of subsequent technical notes, revised drainage proposals and supplementary submissions. These documents have been subject to detailed review by both the Lead Local Flood Authority (LLFA) and Arun District Council's engineering consultants. Despite several rounds of additional information, both consultees maintain substantive objections to the proposed surface water drainage strategy.

The submitted drainage information is fragmented across multiple technical notes and iterations, preventing a coherent understanding of a single, deliverable drainage solution. Critically, the application fails to demonstrate a viable or policy-compliant drainage strategy, with key evidence remaining absent, the drainage hierarchy not properly followed and the principal method of surface water disposal remaining unproven.

## Drainage Strategy and Runoff Destination

Across both phases of development, significant concerns are raised regarding the absence of a confirmed and deliverable runoff destination. The applicant's reliance on infiltration is not supported by sufficient or site-wide ground investigation, particularly in relation to the outline (Phase 2) element where no testing has been undertaken. Whilst limited testing within the full application area suggests some potential for infiltration, the extent, reliability and long-term performance of this approach have not been sufficiently demonstrated.

Furthermore, the proposed alternative strategy of piped discharge to a watercourse is incomplete, lacking hydraulic modelling, discharge rate calculations and confirmation of legal rights to outfall. In the absence of either a proven infiltration solution or a viable alternative discharge route, the application fails to establish an acceptable drainage hierarchy and, at worst, presents a scenario where no lawful drainage solution could be achieved. On this basis, the consultees raise a clear objection in principle to the proposed runoff strategy.

#### Ground Conditions and Infiltration Feasibility

The submitted ground investigation and monitoring data are considered inadequate to support the proposed drainage design. For the full application, groundwater monitoring contains a notable gap during the likely peak winter period, meaning that the seasonal high groundwater level has not been robustly established. Evidence indicates that groundwater may already exceed the required separation distance to infiltration devices and, without confirmation of peak levels or an appropriate factor of safety, compliance with SuDS standards cannot be demonstrated.

Proposed mitigation through ground raising is not supported by a coordinated redesign, and the use of engineered stone in place of natural subsoil is not considered to provide equivalent performance in terms of infiltration or water quality treatment. For the outline phase, no evidence has been provided at all. Accordingly, the feasibility of infiltration as the primary drainage mechanism remains unproven across the site.

#### Flood Risk, Design Robustness and Technical Compliance

The absence of a confirmed drainage strategy has consequential implications for flood risk and wider design compliance. The modelling and calculations submitted are either incomplete or based on unverified assumptions, including infiltration rates and discharge parameters. Key information such as drained area plans, consistent modelling outputs and clearly coordinated drainage layouts has not been provided.

As a result, it cannot be concluded that the system has been designed to accommodate extreme rainfall events or that exceedance flows would be safely managed. The proposals therefore fail to demonstrate compliance with national SuDS standards relating to runoff rates, attenuation and flood routing. This lack of technical robustness also prevents a full assessment of whether the scale and layout of development can realistically accommodate the required drainage infrastructure.

#### Design Integration, Amenity and Biodiversity

The consultees further identify that the drainage strategy has not been adequately integrated into the wider site design. The scheme relies heavily on sub-surface solutions, with limited evidence of multifunctional SuDS features that could contribute to amenity, water quality or biodiversity. Opportunities to incorporate open water features, green infrastructure and naturalised drainage systems have not been appropriately explored.

This not only limits compliance with the broader objectives of SuDS but may also have implications for site layout, landscaping and biodiversity net gain delivery. The lack of integrated design further reinforces uncertainty as to whether a compliant and policy-aligned drainage solution can be achieved without substantial redesign of the development.

Both the LLFA and the Council's engineering consultants are clear that the fundamental shortcomings identified cannot be addressed through the imposition of planning conditions. The absence of a proven drainage strategy, unresolved questions regarding runoff destination and uncertainty over ground

conditions represent matters that must be satisfactorily resolved prior to determination.

Accordingly, it has not been demonstrated that surface water can be managed through a viable, deliverable and policy-compliant drainage strategy, or that the development would avoid increasing flood risk on or off site. The submitted flood risk, drainage and SuDS proposals remain incomplete, unproven and contrary to the requirements of the NPPF, Policy W DM3 of the Arun Local Plan. In the absence of a demonstrated and deliverable surface water drainage solution, the proposal gives rise to a fundamental constraint which weighs heavily against the grant of planning permission.

## HIGHWAYS AND PARKING

Paragraphs 115 of the NPPF seeks to ensure that, inter alia, sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location and that there is safe and suitable access to the site that can be achieved for all users whilst paragraph 116 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

ALP policy T SP1 seeks to ensure any development provides safe access onto the highway network whilst ensuring that proposals incorporate appropriate levels of parking. Policy T DM1 requires new development to be located in easy access of non-car transport modes whilst contributing to the improvement of such routes.

The application is supported by a Transport Assessment, a Framework Travel Plan and plans containing details of the access. The plans, drawings and documents have been examined by National Highways and by West Sussex County Council as local highway authority.

### Access/Trips:

The site currently has two vehicular access points from New Courtwick Lane. The northern one will be retained and improved to accommodate the food store whilst the southern one will be closed with a new junction provided with a spinal road that will serve the drive thru units and industrial/commercial units. Visibility splays of 2.4m x 43m can be provided in keeping with a 30mph speed limit, swept path tracking has been provided and is acceptable. A stage 1 Road Safety Audit has been undertaken and the items raised have been satisfactorily concluded within the agreed designer's response.

Based on the volume of trips, junction modelling took place for 6no junctions that include the site access points; A259/Courtwick Lane; Wick Roundabout; A259 / Eldon Way / Benjamin Grey Drive and the Bridge Road Roundabout. Both National Highways and WSCC Highways conclude that the proposed development would not result in severe delays on the local highway network.

### Parking/Cycle parking:

#### Phase 1

The proposed food store is to provide 118 car parking, against ADC standard of 137 whilst the drive thru units 50 car parking, against ADC standard of 85.

Cycle parking 8 for visitors for food store sufficient to meet demands however below standard of 19 customer and 19 staff spaces. Costa - Staff Cycle Parking A total of 4 spaces are now shown and as such the provision is acceptable.

The cycle provision for the Aldi store would be 18 spaces with 10 staff and 8 visitor spaces. Whilst this

falls short of the Arun SPD requirement, it would meet the demand based upon a TRICS cycle parking accumulation assessment. The McDonalds unit would provide 4 staff and 12 visitor spaces meeting Arun Standards exceeding Arun SPD requirement of 11. The Costa unit now includes 6 visitor cycle parking spaces against an Arun SPD requirement of 7 and 4 spaces for staff with WSCC Highways confirming acceptability of such.

## Phase 2

Due to the outline nature of the application, only an illustrative layout has been provided in respect of the proposed light industrial/storage and distribution units. Compliance with the Arun Parking Standards SPD will be considered at reserved matters stage, however, due to the quantum of development and site size, it is likely that parking provision as per the requirements could be achieved.

Application documents indicate a policy compliant level of cycle storage and electric vehicle charging points would be provided ensuring sustainable transport options. These matters would be considered fully at the reserved matters stage and a suitably worded condition used to secure this information.

## Connectivity/Sustainable Transport:

An existing cycle route is provided between the end of Henry Lock Way and New Courtwick Lane before crossing the A259 and feeding into a route that runs parallel to the A259. Through the pre application discussion the applicant has agreed to extend the shared footway/cycleway around the corner from the A259 and into the site/make appropriate connections from New Courtwick Lane. Including a right hand turn cycle lane in the existing hatched area. The shared use facility would terminate at the internal crossing between the drive thru restaurants and the food store. Originally, the cycle proposals were not included within the RSA process. Further information was submitted in the form of revised site layout plans and a Stage 1 RSA for the cycle elements of the site access which has since been agreed.

The nearest bus stops to the site are located to the east of the site on Seaton Road where service 9 provides an hourly route between Arundel and Shoreham. A similar walking distance to the south, the stops on Courtwick Lane provide access to the 701 service (4x per hour) between Littlehampton and Lancing.

Footways are provided on at least one side of the highway in the area surrounding the application site. The site would provide dropped kerbs and tactile paving to support pedestrian movements. The Phase 2 pedestrian link to Courtwick Lane was queried, however, updated information has been provided as to why the applicant cannot provide additional pedestrian connections and has been accepted. As such WSCC Highways now raise no objections. Were the application be recommended for approval, this would subject to a S106 and conditions.

## TREES AND LANDSCAPING

Arun Local Plan policies ENV DM4 and ENV DM5, together with policy D SP1, require development proposals to properly assess existing trees, protect retained vegetation, and secure landscape and biodiversity enhancements which respond positively to site context. The application is supported by an Arboricultural Impact Assessment and Preliminary Method Statement, Tree Retention/Removal Plan, draft Tree Protection Plan, and a Landscape Strategy Masterplan. While the submitted tree survey exceeds the normally accepted two year validity period, the Council's Arboricultural Officer has confirmed that the information is sufficient to assess the impacts of Phase 1, with updated arboricultural information required at the Reserved Matters stage for Phase 2.

The site contains a total of 114 trees and hedgerows, including several arboricultural features of significance such as a high value sycamore tree (T66), likely subject to a Tree Preservation Order,

established boundary vegetation, and woodland blocks to the western part of the site. Phase 1 would result in the removal of a limited number of lower quality trees, including four Category C trees and a poplar along the east west boundary, whilst the majority of trees would be retained. Importantly, the proposed layout would reduce encroachment within the Root Protection Area of the protected sycamore (T66) compared to the existing situation, representing an improvement on current conditions.

The proposals also present an opportunity to replace extensive areas of existing hardstanding with structured landscaping, including new tree and hedgerow planting, frontage treatment along New Courtwick Lane and boundary reinforcement, which would assist in softening the development edge. Indicative details for Phase 2 show the retention and enhancement of boundary woodland belts, with development focused toward the centre of the site. Although Phase 2 would involve the removal of additional trees of mainly moderate and lower quality, the Tree Officer advises that these losses can be appropriately mitigated through a comprehensive replacement planting strategy using long lived native species.

The submitted Biodiversity Net Gain assessment identifies a shortfall across the site, which will require further mitigation and off site compensation to be secured. The Landscape Officer is satisfied that, in principle, the proposed landscaping framework, strengthened buffers, ecological corridor and woodland enhancements are capable of mitigating visual and environmental impacts. Subject to conditions securing updated arboricultural information, a detailed soft landscaping scheme and a policy compliant Biodiversity Net Gain strategy, the development is considered acceptable and compliant with policies D SP1, ENV DM4 and ENV DM5.

## BIODIVERSITY

The application has been assessed against the requirements of the Environment Act 2021 in respect of Biodiversity Net Gain (BNG) and Policy ENV DM5 of the Arun Local Plan which states that development should seek to achieve a net gain in biodiversity and protect existing habitats on site.

A Habitats Regulations Assessment (HRA) Screening Note has been submitted and confirms that the site does not represent suitable supporting or foraging habitat for qualifying features of the Arun Valley SPA, including Bewick's swan. It is agreed that, as Competent Authority, the Local Planning Authority can lawfully screen out likely significant effects, and no Appropriate Assessment is required.

A revised Biodiversity Net Gain Assessment demonstrates that the applicant has followed the BNG mitigation hierarchy, seeking to avoid and minimise impacts where practicable by retaining areas of woodland, scrub and grassland at the site margins and minimising hedgerow loss. Notwithstanding this, the development would result in the loss of areas of other neutral grassland of medium distinctiveness. The submitted metric identifies on site habitat enhancement delivering 2.84 habitat units and on site habitat creation delivering a further 2.51 habitat units. A residual shortfall remains, requiring 15.03 off site habitat units in order to achieve the mandatory minimum 10% biodiversity net gain, which can be secured through a legal agreement.

The Council's Ecology Officer has reviewed the submitted information and confirms that the BNG mitigation hierarchy has been appropriately applied. Any further reduction in habitat loss would require a reduction in the overall development footprint, which is a matter to be weighed in the planning balance. Subject to securing off site BNG provision and appropriate management and monitoring arrangements, no biodiversity objection is maintained.

In respect of protected species, the Ecology Officer raises no objection. Updated bat surveys will be required at reserved matters stage for Phase 2, together with the submission of a bat sensitive lighting scheme, which can be secured by condition. A Reptile Method Statement is not required for Phase 2, outline stage and can be addressed at a later phase if necessary. Some loss of breeding bird habitat, including scrub supporting whitethroat territories is acknowledged; however, the proposed scrub and

thicket planting is considered to provide suitable compensation. Any further mitigation would again necessitate a reduction in the development footprint.

Tree matters are considered acceptable at outline stage. The submitted Arboricultural Impact Assessment is sufficient for this level of detail, and the Ecology Officer raises no objection to tree issues being addressed in full at reserved matters stage, subject to consideration of the Tree Officer's formal comments.

Overall, it is considered that the development would accord with Arun Local Plan Policy ENV DM5, subject to conditions and a legal agreement securing biodiversity net gain and associated mitigation.

## HEALTH & OBESITY

Paragraph 97 of the NPPF states that Local Planning Authorities should refuse applications for hot food takeaways and fast food outlets: a) within walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre; or b) in locations where there is evidence that a concentration of such uses is having an adverse impact on local health, pollution or anti-social-behaviour.

It is noted that several objectors have raised concerns in relation to the impact on health and the readily accessible provision of 'fast food'. Whilst these comments are duly noted, there are no schools within walking distance. Further to this, there are no adopted Local Planning Policies that would prevent a fast food (Class E/sui generis) use from being within a given proximity to schools. It is therefore considered that there would be insufficient grounds to refuse the application on health grounds.

## ENERGY & SUSTAINABILITY

Arun Local Plan Policy ECC SP2 states that all major developments are required to produce 10% of the total predicted energy requirements from renewable or low carbon energy generation on site, unless it can be demonstrated that this is unviable. Energy efficiency/building fabric measures will be taken into consideration when the total predicted energy requirements are calculated.

In order to demonstrate compliance with Local Plan Policies ECC SP1 and ECC SP2 and Chapter K of the Design Guide SPD, an Energy Strategy has been submitted, prepared by Thornley & Lumb Partnership Ltd, for Phase 1 of the proposal which is in full. This confirms that all levels of the energy hierarchy have been considered, taking into account the nature, scale and location of the development. The strategy aligns with the Council's climate change mitigation objectives and supports the transition to low-carbon development. Were the application to be recommended for approval, these measures would be secured by a condition.

## OTHER ISSUES

Section 17 of the Crime and Disorder Act 1998 places a duty on the Council to deliver safer and more secure communities and places a duty on them to do all they can to reasonably prevent crime, disorder and anti-social behaviour in their area. Secured by Design principles also requires that community safety is a central part of the design process the guiding principles encourage well designed, attractive, clearly defined and well-maintained developments so that a sense of shared ownership and responsibility is created.

Many of the objections received have raised concerns in relation to anti-social behaviour as a result of problems from 'fast-food' restaurants. There is no strong evidence to suggest that approval of the development will automatically give rise to an increase in anti-social behaviour and preventing such

instances occurring will largely be down to management of the premises and appropriate liaison with community police officers as necessary. Should the application be approved, an informative will be added to make the applicant aware that they can contact Sussex Police, Secure by Design Team for advice on preventing anti-social behaviour.

Several objections have raised concerns in respect of the restaurant increasing litter within the surrounding area. There proposes the provision of litter bins within the site. Although the control of litter patrols is a matter for the management of the restaurant it is not considered that this would be a sufficient reason to refuse the application.

Whilst concerns in relation to the devaluation property prices are noted, this is not a material planning consideration and cannot be taken in account as part of the determination of this application.

## PLANNING BALANCE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the proposal gives rise to a number of both beneficial and adverse impacts which fall to be weighed in the overall planning balance, having regard to the provisions of the Arun Local Plan and the National Planning Policy Framework (NPPF) as a whole.

The application is submitted in hybrid form comprising a full element for retail development and an outline component for wider development. In undertaking the planning balance, each element must be assessed on its own planning merits, alongside the overall deliverability and acceptability of the scheme as a whole.

### Retail element (full application)

The proposed retail development has been assessed against the requirements of the NPPF (in particular paragraphs 91-95) and relevant development plan policies relating to the vitality and viability of defined centres. There is compliance with the sequential test due to the absence of a sequentially preferable site. The Council's retail evidence identifies that the proposal would give rise to a clear adverse impact, including material trade diversion from existing centres, which, whilst falling below the threshold of significant adverse impact set out in national policy are nonetheless afforded moderate weight against the proposal in the planning balance.

Notwithstanding this, the impact is not of such magnitude as to warrant refusal when considered in the overall planning balance, particularly having regard to the proposed mitigation package.

On that basis, the retail element is considered to result in adverse but not significantly adverse impacts and could be found acceptable subject to mitigation and the benefits arising, including economic investment and job creation. This assumes that the Norway Lane scheme does not come forward such that cumulative impacts do not arise, as discussed above. If the Norway Lane scheme were to come forward, then the cumulative retail impact would be unacceptable.

The proposal would also provide benefits in terms of increased retail choice and improved access to goods and services for nearby residents. Representations received indicate that the scheme would enhance day-to-day convenience and reduce the need to travel further afield, thereby supporting the vitality of the area and contributing to more sustainable patterns of movement. Whilst public support in itself is not determinative, the underlying planning benefits associated with enhanced consumer choice are material considerations and carry moderate weight in favour of the development.

Set against these benefits, the proposal must also be assessed in the context of any identified policy conflict or adverse impacts, inter alia, impacts on existing centres set out in the NPPF. Where harm has

been identified, this must be carefully weighed against the benefits described above. In this regard, the acceptability of the proposal turns on whether the adverse impacts would outweigh the benefits when assessed against the policies of the Framework taken as a whole.

In terms of employment, the proposal would deliver economic benefits through both construction phase activity and the creation of operational jobs, including opportunities within the local labour market and associated supply chains. These benefits are material considerations in the planning balance and attract some weight. However, it is recognised that construction-related employment is temporary and short term in nature, and that such benefits are typical of development proposals of this nature and do not, in themselves, outweigh any identified harm.

In terms of retail employment, the proposal would deliver a level of net job creation once allowances are made for displacement. However, the evidence indicates that the net uplift in employment would be relatively modest when considered in the context of the scale of the development. As such, whilst the provision of additional jobs is a material consideration and weighs in favour of the scheme, the overall magnitude of the net benefit is limited. Consequently, the employment benefits are afforded limited weight in the overall planning balance.

In terms of economic benefits, the proposal would generate additional business rates revenue and has the potential to benefit from passing trade. These factors are material considerations and weigh in favour of the development, contributing to local economic activity and expenditure retention. However, it is recognised that business rates are not, in themselves, afforded weight as a determinative planning consideration, and the benefits associated with passing trade are uncertain and difficult to quantify. As such, whilst these benefits weigh positively in the planning balance, they are afforded limited weight overall.

In respect of visual amenity and design, the application has been assessed against paragraph 131 of the NPPF and Arun Local Policies D DM1 and LAN DM1. The proposal seeks to reconfigure and enhance an existing previously developed site, which attracts significant weight in principle in promoting the efficient use of land in accordance with the Framework. The development would rationalise the layout and built form, resulting in an overall improvement to the visual aesthetics of the site when compared to the existing arrangement which is currently overgrown. The design, scale and materiality are considered to respond appropriately to the surrounding context, and, together with proposed landscaping, would contribute positively to the character of the site over time. Whilst some localised visual change would arise, this is not considered to result in unacceptable harm and is outweighed by the clear benefits associated with the redevelopment and aesthetic enhancement of the site. Overall, the proposal attracts moderate positive weight in the planning balance in respect of design and visual impacts.

In respect of residential amenity, the proposal has been assessed against paragraph 135 of the NPPF and Arun Local Plan policies D DM1 and QE SP1, which seek to ensure that development provides a high standard of amenity for existing and future occupiers and avoids unacceptable impacts arising from overlooking, loss of privacy, noise, visual intrusion or overbearing effects. Having regard to the layout, separation distances and, where applicable, the retention of boundary treatments and landscaping, it is considered that the development would not result in a significant adverse impact on neighbouring residential properties. Furthermore, any potential impacts can be appropriately controlled through the use of planning conditions, including those relating to noise, lighting and operational measures. As such, the proposal is considered to be acceptable in terms of residential amenity and attracts moderate positive weight in the planning balance.

In highways terms, the proposal has been assessed against relevant national and local policy requirements and has been found to be acceptable. Both National Highways and the Local Highway Authority has raised no objection subject to the imposition of appropriate mitigation and conditions, and it

is not considered that the development would result in residual cumulative impacts on the highway network that would be severe in the context of paragraph 115 of the NPPF and would align with Arun Local Plan policies T SP1 and T DM1. Furthermore, the scheme incorporates measures to promote sustainable modes of transport, including improved pedestrian connectivity, which weigh positively in favour of the proposal. Limited weight is therefore afforded to the acceptability of the development in highways terms.

In respect of biodiversity, the proposal has been assessed against the requirements of the Environment Act 2021 and Arun Local Plan Policy ENV DM5. Whilst on-site habitat retention and enhancement measures are proposed, the submitted Biodiversity Net Gain Assessment identifies a residual shortfall in habitat units and therefore the scheme relies on off-site provision to achieve the mandatory minimum 10% net gain. The Council's Ecologist is satisfied that the mitigation hierarchy has been appropriately applied and raises no objection subject to the securing of off-site biodiversity units through a Section 106 agreement, together with appropriate management and monitoring for a minimum 30-year period. Accordingly, the proposal is considered to be policy compliant in respect of biodiversity, and the delivery of BNG, albeit partly off-site, attracts moderate positive weight in the overall planning balance as a measurable environmental benefit.

However, Phase 1 fails to demonstrate that an adequate and policy-compliant drainage strategy can be achieved. Insufficient information has been provided to robustly confirm that surface water can be managed on-site without increasing flood risk elsewhere, contrary to the requirements of the NPPF and local plan policies relating to flood risk and sustainable drainage. This represents a fundamental technical constraint which weighs significantly against the proposal.

## Outline

With respect to the outline component of the hybrid proposal (with access for approval and all other matters reserved), this is considered acceptable in principle. The site is located in a sustainable location and the proposed quantum and type of development would accord with the strategic objectives of the development plan, delivering clear benefits including regeneration of a previously developed site and provision of light industrial units that are much needed within the District however, only limited weight can be attributed to the outline commercial benefits at this stage, as they remain speculative and cannot be guaranteed.

The absence of fixed end users, scale parameters beyond the broad description of development, and lack of detailed design or operational information significantly limits the weight that can be afforded to any claimed economic or employment benefits. In the absence of secured occupiers or binding controls over the nature and quantum of commercial floorspace, there is no robust mechanism to ensure that the anticipated benefits will be realised in practice.

However, notwithstanding the acceptability of the development in principle, the proposal gives rise to fundamental concerns in respect of drainage. The submitted information fails to robustly demonstrate that a satisfactory surface water drainage strategy can be achieved without increasing flood risk on-site or elsewhere, and there remains insufficient evidence to confirm that the development can be adequately served by an appropriate and deliverable drainage solution. This conflict weighs heavily against the proposal, particularly having regard to the requirements of national policy and development plan policies which seek to ensure that development is safe for its lifetime and does not exacerbate flood risk.

While drainage details can be addressed at reserved matters stage, it is necessary at outline stage to have sufficient certainty that a policy-compliant solution will be available and can be conditioned, and there is an absence of sufficient certainty in the present case, which leads to identified harm carrying significant weight

On balance, although the proposal is acceptable in principle and would deliver notable benefits, these cannot be guaranteed these are outweighed by the unresolved and fundamental concerns relating to drainage. As such, the proposal is not considered to constitute sustainable development, and planning permission should be refused.

## SUMMARY

Phase 1, in full for retail development provides certainty in terms of use, scale, and impact. The proposal would give rise to adverse retail impacts on existing centres which, whilst not reaching the threshold of significant adverse impact in National Policy terms, are nonetheless afforded moderate weight against the scheme. All other considerations including highways, design and residential amenity and all other technical considerations, are considered acceptable and comply with relevant ALP policies. Having regard to the assessment, the identified retail harm is not, in isolation sufficient to justify refusal and must be weighed against the benefits of the proposal.

With respect to Phase 2 and the outline commercial element, the absence of fixed end users, scale parameters beyond the broad description of development, and lack of detailed design or operational information significantly limits the weight that can be afforded to any claimed economic or employment benefits. In the absence of secured occupiers or controls over the nature and quantum of commercial floorspace, there is no robust mechanism to ensure that the anticipated benefits will be realised in practice. As such, only limited weight can be attributed to the outline commercial benefits at this stage, as they remain speculative and cannot be guaranteed.

However, whilst the adverse retail impacts are not sufficient to justify refusal, the failure to demonstrate an acceptable drainage strategy for both the full and outline components represents a fundamental and overriding constraint. Accordingly, the adverse impacts of the proposal outweigh the benefits, and the proposal conflicts with the development plan when read as a whole.

## RECOMMENDATION

It is recommended that both the full and outline elements of the application are refused for the reasons identified below.

### HUMAN RIGHTS ACT

Human Rights Act:

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

Consideration has been specifically given to Article 8 (Right to respect private and family life), 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.

### SECTION 106 DETAILS

A financial contribution towards a Town Centre Manager (TCM) (3 days per week) to support Littlehampton town centre and Wick local centre (£37,500 per annum for a 5-year period (£187,500))

Financial contributions towards a range of town centre improvement initiatives, including public realm enhancements, events programming, and installation of public art aligned with the Littlehampton Town Centre Action Plan (2025) (£47,813 per annum for a 5-year period (£239,065))

Financial contributions towards a range of local centre improvement initiatives for Wick intended to reinforce and improve the centre as a key local day to day retail and service centre for the local population (£14,000 per annum for a 5-year period (£70,000))

An obligation to ensure that the proposed food store is not occupied by an existing grocery retailer in nearby 'town centres' unless there is an on obligation/commitment to the town centre store remaining open

A series of planning controls over the nature and operation of the food store (to be secured by condition)

Travel Plan monitoring costs - £3,950

Ph1 BNG Monitoring Fee of £17,494

### CIL DETAILS

This application is CIL liable, therefore, developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply).

### RECOMMENDATION

#### HYBRID REFUSED

In pursuance of their powers under this Act and related Orders and Regulations the Council REFUSE to approve the development as described in the application and plans for the reasons stated.

The Reasons below refer to the 'FULL' matters within the planning application

**REASON 1**                      The proposed development fails to demonstrate a viable and policy-compliant surface water drainage strategy. The submitted information does not robustly establish the seasonal high groundwater level, with monitoring data incomplete and insufficient to confirm compliance with the required separation distances for infiltration in accordance with national SuDS Standards. The proposed reliance on infiltration is therefore unproven. The alternative drainage strategy involving discharge to a watercourse is also unproven in terms of deliverability, since it is not supported by fully sufficient hydraulic calculations, and lacks evidence of legal

agreement to outfall. In the absence of a confirmed and deliverable drainage solution, it has not been demonstrated that the development would not increase flood risk on site or elsewhere. The proposal is therefore contrary to Arun Local Plan Policies W DM3 the National Planning Policy Framework (paragraphs 181, 182 and 187) and the National Standards for Sustainable Drainage Systems.

- REASON 2 In the absence of improvements to pedestrian crossings on the A259, the proposed development would result in significant harm to highway safety contrary to Arun Local Plan Policies T SP1 and T DM1 and the National Planning Policy Framework.
- REASON 3 The proposed access into the development is unsafe contrary to Arun Local Plan Policy T SP1 and the National Planning Policy Framework.
- REASON 4 In the absence of a signed Section 106 legal agreement, the development is unable to secure mitigation to off-set the retail impact of the proposed development in conflict with Arun Local Plan policy RET DM1, and the National Planning Policy Framework.
- REASON 5 In the absence of a signed Section 106 legal agreement, the development is unable to secure the provision of on and off site Biodiversity Net Gain and the future monitoring of the on-site proposals in conflict with Arun Local Plan policy ENV DM5, the National Planning Policy Framework and the associated Planning Practice Guidance on Biodiversity.
- REASON 6 In the absence of a signed Section 106 legal agreement, the development is unable to secure the provision of Travel Plan and Travel Plan Auditing Fee in conflict with Arun Local Plan policies T SP1 and T DM1, the National Planning Policy Framework.
- REASON 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 with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm, which has been clearly identified within the reason(s) for the refusal, approval has not been possible.
- INFORMATIVE 1 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 with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm, which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

In pursuance of their powers under this Act and related Orders and Regulations the Council REFUSE to approve the development as described in the application and plans for the reasons stated.

The Reasons below refer to the 'OUTLINED' matters within the planning application

- REASON 1 The application fails to demonstrate a viable means of surface water disposal for the outline element of the development. No site-specific infiltration testing or groundwater monitoring has been undertaken for Phase 2, and as such the feasibility of the proposed infiltration-based drainage strategy has not been established. The alternative drainage strategy involving discharge to a watercourse

is also unproven in terms of deliverability, since it is not supported by fully sufficient hydraulic calculations, and lacks evidence of legal agreement to outfall. In the absence of a confirmed runoff destination at this stage, it cannot be concluded that the scale and layout of development can be safely accommodated without increasing flood risk. The proposal is therefore contrary to Arun Local Plan Policies W DM3 the National Planning Policy Framework (paragraphs 181, 182 and 187) and the National Standards for Sustainable Drainage Systems.

- REASON 2 In the absence of improvements to pedestrian crossings on the A259, the proposed development would result in significant harm to highway safety contrary to Arun Local Plan Policies T SP1 and T DM1 and the National Planning Policy Framework.
- REASON 3 The proposed access into the development is unsafe contrary to Arun Local Plan Policy T SP1 and the National Planning Policy Framework.
- REASON 4 In the absence of a signed Section 106 legal agreement, the development is unable to secure the provision of on and off site Biodiversity Net Gain and the future monitoring of the on-site proposals in conflict with Arun Local Plan policy ENV DM5, the NPPF and the associated Planning Practice Guidance on Biodiversity.
- REASON 5 In the absence of a signed Section 106 legal agreement, the development is unable to secure the provision of Travel Plan and Travel Plan Auditing Fee in conflict with Arun Local Plan policies T SP1 and T DM1, the NPPF.
- REASON 6 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 with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm, which has been clearly identified within the reason(s) for the refusal, approval has not been possible.