

Recommendation Report for Planning Permission

REF NO: LY/13/25/PL

LOCATION: Back Arun Fishery
North of Arundel Station
Arundel
BN18 9JJ

PROPOSAL: Siting of 3 No. temporary structures and associated works. This application is in CIL Zone 3 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks 3 structures to be used for educational purposes. The structures will be modular buildings with no foundations and are therefore temporary in nature.
TOPOGRAPHY	Predominantly flat.
TREES	There are trees around the site but none are to be affected by the proposal.
BOUNDARY TREATMENT	The site has metal fencing to the boundary to the east and sufficient planting to the north and south.
SITE CHARACTERISTICS	The site has an area of hardstanding for parking and access to two canal style fishing lakes to the rear.
CHARACTER OF LOCALITY	The area is mixed character. Arundel Railway Station is in close proximity to the east and with sporadic residential development within the vicinity. Arundel Town Centre is approximately 700m walk to the northwest.

REPRESENTATIONS

Lyminster and Crossbush Parish Council provided no response.

143 letters of support.

- It will greatly benefit the students.
- Excellent addition for the community.
- Fully support the application.
- Inclusive for students who need it.
- Much needed at a time when youth services are being cut back.
- This service is valuable to so many young people.
- Being able to offer sessions, in an ideal location, with necessary facilities will truly benefit those children accessing support.
- The aims of Angling4Education is to provide alternative provision which caters to different needs and learning styles. The proposed project helps to fulfil these objectives.
- The addition of a classroom and toilet facilities would greatly support the continuation of this work, ensuring activities can take place safely and effectively regardless of the weather.

- Giving an opportunity to connect young people with their natural environment.
- It will help young people with mental health.
- They provide a valuable source of alternative education provision and SEND support across the County.
- A vital expansion to an established organisation and valuable service.
- The location is ideal being situated close to mainline train station.
- The site has sufficient parking provision.
- The ditch adjoining the fishery is in need of maintenance such as clearing of overgrown trees/debris. It is hoped this will be addressed through the proposal.
- Few opportunities in Arundel for young people.
- The site has no facilities, the addition of a disabled toilet, classroom, and office is essential to enable Angling4Education to operate safely, accessibly, and sustainably.
- To give a permanent home to this project would be a benefit to the community.

2 letters of no objection.

1 representation listed as an objection although the contents reads as support.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC Highways - No objection.

ADC Ecology- No objection subject to conditions.

Southern Water - Request a condition for details of foul drainage disposal.

ADC Drainage - Object, due to the absence of a drainage strategy. You may wish to depart from some of the standards due to the scale of the development.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
 Outside Built Up Area Boundary
 Biodiversity Opportunity Area Climbing to Houghton
 The Setting of Arundel
 Gap Between Settlements
 Flood Zone 2 and 3
 At Risk of Flooding from Climate Change 2031
 Arun Valley IRZ

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
EMPDM1	EMP DM1 Employment Land: Development Management
ENVDM5	ENV DM5 Development and biodiversity
SDSP3	SD SP3 Gaps Between Settlements
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems
WDM2	W DM2 Flood Risk

[Lyminster and Crossbush Neighbourhood Plan
2020-2031 EH3](#)

Flooding, drainage and new development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 considered to conflict with relevant Development Plan policies in that it has not demonstrated that it will not result in an increase to flood risk on site.

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 which are discussed below.

BIODIVERSITY NET GAIN

The development will result in an increase of 11.45% in habitat units.

CONCLUSIONS

PRINCIPLE

ALP policy C SP1 states development in the countryside outside the BUAB will not be permitted unless it accords with policies in the Plan which refer to a specific use or type of development. There are no specific policies that relate to the educational use of the site however the site has been used as a car park associated with a fishing venue for some time, made up of two fishing lakes and is in business use. The structures proposed will diversify and support the business use on the site.

Lyminster has a made Neighbourhood Plan with policy EH3 of relevance.

ALP policy EMP DM1 (6) refers to economic growth outside of the built up area boundary and provides criteria for compliance.

- (a) Its an appropriate sized extension;
- (b) It would not intensify uses at the site to the detriment of existing public access routes and highways;
- (c) High standard of design, layout and landscaping appropriate to the context;
- (d) Capable of being well served by public transport or otherwise is readily accessible by means other than by private car;
- (e) Access arrangements and parking facilities will be provided;
- (f) Consideration is shown to the landscape, habitats etc;
- (g) Amenity of near residents are protected;
- (h) Crime prevention measures are included;.

Compliance with the criteria is discussed below.

- (a) The structures are modest in size.
- (b) The number of people using the site may increase slightly, however the educational use at the site already takes place.
- (c) The design is simple being modular structures at single storey, however this helps them blend into the site.
- (d) The site is opposite Arundel railway station.
- (e) The site has a large car park that will continue to be utilised.
- (f) Biodiversity net gain will exceed 10%.
- (g) This is discussed below. The site will not harm neighbouring amenity.
- (h) There is a gate which will be locked out of hours.

The proposal complies with the above and is acceptable in principle subject to compliance with other policies in the plan.

GAP BETWEEN SETTLEMENTS

ALP policy SD SP3 permits development in the gap subject to compliance with certain criteria including; it does not undermine the physical or visual settlements, cannot be located elsewhere, maintains character and does not compromise the integrity of the gap in terms of coalescence.

The site is within the Arundel to Littlehampton Gap and next to Arundel Railway Station and between residential properties which front the A27 to the north. Whilst within the gap it is not an isolated

development. The structures are minor in size and it does not form a coalescence.

The structures would be used in associated with the fishery and for educational purposes (Angling4Education). The application states that alternative locations were sought however none were suitable which would be able to provide the same level of outdoor learning whilst being accessible.

The structures are minor and modular in nature can be removed easily should this be required at a later date. The development does not result in harm upon the gap settlement and complies with ALP policy SD SP3.

DESIGN AND VISUAL AMENITY

Three structures are proposed to the northern boundary. They are single storey and are of a "portacabin" type construction which do not require foundations and can be removed easily should this is required at a later date.

The buildings vary in size. Building 1 measures 5.8m x 4.5m and will provide office facilities for the staff of Angling4Education. Building 2 measures 4.3m x 3.m and will provide washroom facilities to visitors. Building 3 measures 12m x 2.4m and will provide changing room facilities.

The site serves as a carpark with access to two fishing lakes to the west. There is one container on the land. The site is used for educational purposes and the buildings would assist with this. The plan demonstrates that these are sited on existing hardstanding, although vegetation has re-established itself on certain areas.

There is sufficient planting along the eastern and western boundary and views of the structures would be partially screened from the outskirts of the site.

The addition of these structures on the site would not result in harm to the appearance of the area and accords with ALP policy D DM1 and D SP1.

RESIDENTIAL AMENITY

ALP policy D DM1(3) indicates planning permission will only be granted where it has minimal impact on the users or occupiers of nearby land. This would be avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

The structures are modest in size and have a height of between 2.7m and 2.8m.

To the southeast corner of the site sits 'Roseland' which occupies 5 holiday units. This is the nearest residential unit however 60m is retained between this building and proposed and it would not result in unacceptable harm upon the occupiers by way of overbearing or overshadowing.

The buildings are to be used in relation with the educational provision at the site. The operating hours are 9-5pm Monday to Friday with children leaving by 3pm. The educational use has already been existence for some time. The buildings would likely help to reduce noise on the site as one of the structures is to be used as an office/meeting room area. These discussions normally take place outside whereas locating them inside the structure would reduce disturbance.

Due to the size and location of the buildings, it would not result in adverse harm upon neighbouring amenity in compliance with ALP policy D DM1 and D SP1.

PARKING

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport.

The site has existing access and hardstanding and is used for parking for the fishery. It has approximately 22 spaces. The existing arrangement is unchanged.

Arun Parking Standards SPD does not have guidance on the number of spaces that should be provided for the use proposed. The planning statement notes that those using the site for educational purposes are to be brought to the site by staff therefore it would not result in an increase in vehicular numbers by individual users. The site has a sufficient number of spaces to accommodate the use proposed. The site is next to Arundel Rialway Station which provides a sustainable transport option. The station has a large adjoining car park should off site parking be required.

The proposal would not result in harm upon the highway nor upon parking in the area in compliance with ALP policy T SP1.

FLOOD RISK AND DRAINAGE

Policy W DM2 of the ALP requires all development must demonstrate that it will not result in unacceptable flood risk implications. ALP policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SuDS) as appropriate to the size of development.

The site falls in Flood Zone 2, 3, and 3b. However, the location of the structures is outside of the Flood Zone 3b.

A Flood Risk Assessment has been provided. Back Arun Fishing Lakes are to the west of the site and the River Arun is approximately 270m to the north.

The site is used as a car park and is considered less vulnerable development. The structures are to the north east corner and will be utilised as a changing room, toilet and office. These will be used to support educational activities on site including fishing which will take place on the lakes to the west. The FRA states that the structures are to facilitate water based recreation and is therefore considered water-compatible development.

The NPPF requires sequential testing which is designed to steer development to areas with the lowest flood risk. The FRA does not identify specific sites that have been discounted but states the applicant has identified no alternative sites (locally or regionally) which are suitable. Paragraph 27a of the NPPG states that 'the sequential test should be applied proportionately, focusing on realistic alternatives in areas of lower flood risk that could meet the same development need'. Due to the nature of the development which requires the use of fishing lakes, there are no known other sites with a lower flood risk which could be utilised and the sequential test is considered to be passed. As the development is water compatible it does not require an exception test.

The FRA recommends that the structures be raised 600mm above ground so that the floor levels are higher than external ground level. This would ensure the buildings are above any undefended flood event. The site is within an area for flood alerts and warnings. Due to the use of the site which is only to be occupied weekdays 9-5pm, it is recommended that should there be flood warnings, operations should cease on the site. The FRA details a safe access and egress route across Station Road which is away from the flood risk.

It has been satisfactorily demonstrated that mitigation measures can make the development safe for its lifetime and in this case, the development would not result in an increased flood risk in compliance with

ALP policy W DM2.

With regards to drainage, the applicant has confirmed that the site is on existing hardstanding. This is supported by aerial mapping in 2001 and 2012. The FRA notes that as a result, the development would not lead to significant increase in surface water runoff and advises further mitigation that could be used to protect the structures from existing overland flows. ADC Drainage do object and have requested a drainage strategy is provided on the basis that the extent of hardstanding is unclear and the FRA gives advice regarding drainage features. It is noted that moss/scrub has grown over the existing hardstanding which could affect the current rate/volume of surface water runoff. They have however stated that the development is small in scale, so the applicant may wish to assess if it is appropriate to justify departures from some of the standards.

In this case, due to the nature of the development which consist of portable buildings which do not require foundations, the minor scale of the structures and that they are on existing hardstanding, albeit some of the site has started to see regrowth a departure from the standards is acceptable and it is not considered that the proposal would result in increased flood risk.

Nevertheless, in the absence of a drainage strategy the proposal does not comply with ALP policy W DM3.

BIODIVERSITY

ALP policy ENV DM5 requires that proposals achieve a net gain in biodiversity and protect existing habitats on site.

The biodiversity assessment confirms the site in which the structures are located was originally car park with historical imagery in 2000 and 2012 confirming hardstanding. Vegetation has developed over the area and is sufficiently established to be considered modified grassland. A area of scrub has established on former car park. Other areas of hardstanding on the site are covered in moss.

Whilst the structures are on hardstanding, due to the small loss of modified grassland which is confined to previously established hardstanding and hardcore parking areas, it is confirmed by the statement submitted that mandatory net gain is required.

The biodiversity net gain report states the siting of the development will result in an increase of 11.45% in habitat units. This is achieved through the planting of 11 trees. Retained scrub will be diversified and grassland areas will be managed to increase species diversity. The installation of bird and bat boxes on suitable trees or structures, along with the creation of log piles for reptiles and invertebrates will provide new sheltering opportunities.

The preliminary ecological assessment showed no protected species on site. Desk-based data indicate that there are no records of great crested newt within 1 km or 2 km of the site, and no evidence that the species currently occurs in the local pond network. The temporary structures are outside the riparian zone therefore no waterway condition assessment is required.

The site is in the Climping to Houghton Biodiversity Opportunity Area (BOA). The enhancement of the habitats will provide biodiversity gain within this BOA. The site is also situated within the boundary of the Arun Valley Special Protection Area (SPA) Impact Risk Zone (IRZ). This IRZ identifies foraging areas for Bewick's Swans. The conservation objectives are to maintain the favourable condition of their habitat, with reference to marsh, lowland neutral grassland, wet woodland. The land is a car park and in the absence of suitable foraging and roosting habitat, it is not considered the development would result in direct disturbance upon Bewick's Swans. ADC Ecologist has no objection.

Subject to condition securing enhancements, the proposal would deliver a net gain on site and complies with ALP policy ENV DM5 and the NPPF.

SUMMARY

Para 11(c) of the NPPF states that development should be approved without delay where it accords with the Plan. In this instance the proposal does not accord as there is conflict with drainage policies. This application ultimately falls to be determined against paragraph 11d of the NPPF i.e. the presumption in favour of sustainable development. Part (i) of this states the presumption does not apply where certain NPPF policies (such as flood risk) provide a strong reason for refusal. Footnote 7 confirms that areas at risk of flooding are counted as assets of particular importance. The report has identified conflict with policy relating to flood risk as the proposal fails to provide a drainage strategy.

However, the harm attributed to this is minor due to the nature of the development which consists of portable buildings and do not require foundations, the minor scale of the structures and their location on existing hardstanding, albeit some of the site has started to see regrowth and the FRA confirms the site would be safe for its lifetime, this is considered acceptable.

The proposal will be used to support educational purposes, specifically for SEND students and this is a benefit of the application.

As a result, the benefits of the scheme outweighs the conflict and the application is recommended for approval subject to the following conditions and informatives.

HUMAN RIGHTS ACT

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

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

The proposal will be used by special educational needs and disability (SEND) students.

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 be used in connection with an alternative education provider for SEND pupils.

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

CIL DETAILS

The application is not CIL liable classed as other development.

RECOMMENDATION**APPROVE CONDITIONALLY**

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

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

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

- Location Plan
- Proposed Block Plan - Nov 25
- Floor Plans and Elevations - version 2 10/25
- Flood Risk Assessment - August 2025 Ref: 73462

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

- 3 Prior to any occupation, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the 'Preliminary Ecological Appraisal and Biodiversity Net Gain Baseline Report R.01,8/12/2025', shall be submitted to and approved in writing by the Local Planning Authority.

The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To enhance protected and priority species and habitats in accordance with Arun Local Plan policies ENV SP1 and ENV DM5 and allow the Local Planning Authority to discharge its duties under the NPPF and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats and species).

- 4 Commencement of the development shall not begin until details of the proposed means of foul drainage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

The development shall be implemented in accordance with the approved information prior to the the first use of the temporary structures and maintained whilst the structures are on site.

Reasons: To ensure the development does not contribute towards flood risk at the site in compliance with Arun Local Plan policy W DM2. This is required to be pre-commencement as this needs to be considered before development starts.

- 5 The structures hereby permitted shall only be used in relation with the educational use of the site for Angling4 Education. In the event that the structures are no longer required and cease to be used, they shall be removed within 3 months and the site cleared.

Reasons: The site lies in a rural area where permission for new development would not

normally be granted in accordance with Arun Local Plan policy C SP1.

- 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the NPPF.
- 7 INFORMATIVE: The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up. Flood warnings can give people valuable time to prepare for flooding - time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities. For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>. To get help during a flood, visit <https://www.gov.uk/help-during-flood>. For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.