

can be approved.

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.

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.

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 Site Layout/Block Plan
Proposed Ground Floor Plan
Proposed First Floor Plan
Proposed Drainage Layout
Proposed Elevations Sheet 1
Proposed Elevations Sheet 2
Tree Protection Plan PRI22693-03

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D SP1 of the Arun Local Plan.
- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls (and roofs) of the proposed building(s)/extension have been submitted to and

approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building/extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/setting of the Listed Building/ by endeavouring to achieve a building of visual quality in accordance with policy D SP1 of the Arun Local Plan.

- 4 Prior to the commencement of the development details showing the proposed location of 1 fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Services. The fire approved details of the fire hydrant or stored water supply shall thereafter be undertaken in accordance with the approved details, prior to the occupation of the unit hereby approved.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner/occupier if the installation is retained as a private network.

Reason: This is required to be a pre-commencement condition to ensure the safety of the buildings and its workers and in the interests of amenity and in accordance with Policy INF SP1 and T SP1 of the Arun Local Plan and in accordance with the F&RS Act 2004 (as amended).

- 5 No development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

- 1) A preliminary risk assessment which has identified:
 - a) All previous uses;
 - b) Potential contaminants associated with those uses;
 - c) A conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site;
- 3) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
- 4) A verification plan providing details on the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (4) are complete and identifying any requirements for longer-term monitoring or pollutant linkages, maintenance and arrangements for contingency action.

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority.

Any changes to these components require the written consent of the Local Planning Authority.

The scheme shall be implemented as approved.

Reason: This is required to be a pre-commencement condition to ensure that the development does not contribute to, or is not put at an unacceptable risk from/adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

- 6 No work shall commence on site until a Construction Management Plan, to include details of numbers and types of construction vehicles, provision to control and manage construction traffic, and measures to prevent dust and debris from being blown or otherwise deposited onto the A27, has been submitted to and approved in writing by the Local Planning Authority (who shall consult with Highways England).

The construction of the development shall be carried out in accordance with the approved Construction Management Plan unless otherwise agreed in writing by the Local Planning Authority (who shall consult with Highways England).

Reason: To ensure that construction of the development does not result in avoidable congestion on the A27 Trunk Road, to ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety; in accordance with Policy T SP1 and T DM1 of the Arun Local Plan.

- 7 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The details required shall incorporate the recommendations set out by the Council's Environment Officer's Consultation, detailed under the heading 'Enhancements', in their response dated 05 February 2020. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.'

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun Local Plan.

- 8 No development including site access, demolition or associated construction activities shall commence unless and until all the existing trees/bushes/hedges to be retained on the site have been protected in accordance with a scheme submitted to the Local Planning Authority. Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of top soil unless agreed by the Local Planning authority. There must be no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without prior written approval of the Local Planning Authority.

No trenching should occur within the protective fencing surrounding the Root Protection Area. If roots requiring severance to allow for the passage of services is necessary then an arboriculturist would be required to assess and determine whether the loss of the roots would be detrimental to the continued health and stability of the affected tree.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy ENV DM4 of the Arun Local Plan.

- 9 The development shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. And to ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 10 Prior to installation of any lighting, full details of any proposed lighting installed within the red line hereby permitted by the above plans, shall be submitted and approved by the Local Planning Authority in writing. Thereafter, the installation of lighting shall be undertaken in accordance with the details hereby approved.

Reason: In the interests of safeguarding protected bats in the nearby locality by avoiding unnecessary artificial light spill through the use of directional light sources and shielding in accordance with Policy ENV DM5 of the Arun Local Plan.

- 11 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and in accordance with policy T SP1 of the Arun Local Plan.

- 12 The development shall be undertaken in accordance with the recommendations and mitigation measures set out in full in the submitted Ecological Assessment by Peach Ecology dated 11 December 2019. Once mitigation measures and recommendations have been undertaken on site, they shall be retained as detailed in perpetuity.

Reason: To ensure the development does not adversely impact upon reptiles in accordance with Policy ENV DM5 of the Arun Local Plan.

- 13 Prior to the introduction of the use of the building hereby permitted, the 20% of vehicle parking spaces shall be provided on site and thereafter permanently retained and maintained in good working condition.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan and the National Planning Policy Framework.

- 14 Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 01 March - 01 October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).

Reason: To safeguard the habitats required to support bird nesting in accordance with Policy

ENV DM5 of the Arun Local Plan.

- 15 Investigation boreholes using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes, will be secured, protected and inspected.

The scheme as approved shall be implemented prior to the occupation of the development.

Reason: To ensure that the approved development does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework.

- 16 INFORMATIVE: This permission conveys consent under planning legislation only and contravention with other legislation e.g. protection of wildlife etc. should be considered.

- 17 INFORMATIVE: Surface water drainage should be designed and constructed to comply with building regulation requirements. Infiltration should be fully investigated, if however it is found that infiltration does not work controlled discharge to ordinary watercourse will be required. The applicant should be aware that any proposals to discharge flows to a watercourse require Ordinary Watercourse Land Drainage Consent prior to works.

Arun District Council requires 3m clearance between any structure and the bank of an ordinary watercourse and 3m clearance between any structure and a culverted ordinary watercourse. This is to ensure that no construction will occur that will limit the current or future landowners ability to conduct maintenance to the watercourse in line with their responsibilities under the Land Drainage Act 1991.

- 18 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council land.drainage@arun.gov.uk), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens.

The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.