



Town & Country Planning Act 1990 (as amended)
Town & country Planning (Development Management
Procedure) (England) Order 2015 - Article 5
Application for Outline Consent
DECISION NOTICE

Application Ref: A/23/15/OUT

1 To Addressee

Mr E Ledwidge
 Montagu Evans LLP
 5 Bolton Street
 London
 W1J 8BA

2 Site Address

Land south of New Road (A259)
 and East of Brook Lane

N/A

3 Description of Development

Hybrid application - Full Planning Permission for a retail unit (Class A1) comprising 1,487sqm (1022sqm ground floor and 465sqm mezzanine) with associated access, car parking, servicing, landscaping & associated works.

Outline Planning Permission for a public house (Class A4) comprising 581sqm at ground floor level - This is a Departure from the Development Plan

In pursuance of their powers under this Act and related Orders and Regulations the Council **PERMIT** this development to be carried out in accordance with the application and plans and subject to compliance with the following conditions and Section 106 Agreement.

1

In respect of the part of the application where Outline Permission is granted (Public House), the permission hereby granted is an Outline Permission under Section 92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

- (a) Layout;
- (b) Scale;
- (c) Appearance;
- (d) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 In respect of the part of the application where Outline Permission is granted (Public House), the development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 3 In respect of the part of the application granted in Full Permission (Retail unit) 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).

- 4 In respect of the part of the application granted Full Permission (Retail unit), the development hereby approved shall be carried out in accordance with the following approved plans :

Drawing Number: 1117-P-10 Existing Location
 Drawing Number:1117.P-11E Site Plan
 Drawing Number:1117-P-12 Unit A Floor Plan
 Drawing Number:1117-P-13 Unit A : Elevations
 Drawing Number:1117-P-14 Unit A : Elevations
 Drawing Number:REDW-3167-111 Highway Access Plan

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

- 5 In respect of the part of the application where Outline Permission is granted (Public House), the development hereby approved shall be carried out in accordance with the following approved plans :

Drawing Number: 1117-P-10 Existing Location
 Drawing Number:1117.P-11d Site Plan
 Drawing Number:REDW-3167-111 Highway Access Plan

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

- 6 No development shall take place within the area indicated until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: The site is of archaeological significance in accordance with Arun District Local Plan Policy GEN7.

- 7 The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.

Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

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

- 8 Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturers recommended design life. Upon completed construction of the SuDs System, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure the efficient maintenance and on going operation of the SuDs system and to ensure the best practice in line with guidance set out in 'The SuDs Manual' CIRIA publication ref: C697 Chapter 22.

- 9 The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority.

No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

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

- 10 Construction shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with the approved details.

Reason: To ensure suitable foul and sewerage water disposal.

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

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

- 12 The development permitted by this planning permission shall be carried out in accordance with the following mitigation measures detailed within the Approved Flood Risk Assessment (FRA) 32447/4001:
- Any changes in ground levels are shown to not result in any loss of fluvial flood storage.
 - Finished floor levels are set no lower than 0.3m above the 0.1% (1 in 1000) fluvial flood levels already supplied by the Environmental Agency.
- The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently agreed, in writing, by the Local Planning Authority.
- Reason: To prevent flooding elsewhere by ensuring that surface water will be attenuated on site to the 1% (1 in 100) annual probability with 30% allowance for climate change.
- 13 The development hereby permitted shall not be commenced until such time as a scheme to discharge surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall include:
1. Calculations showing that the scheme can attenuate the 1% (1 in 100) annual probability event with 30% allowance for climate change on site.
- The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
- Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- 14 In respect of the application granted Full Permission (Retail Unit), the retail store shall open for trade between the hours of 07.00 and 23.00 Monday to Saturday and will comply with the Sunday trading Act 1994 (or subsequent replacement) on Sundays. Except for the wee (7 days) immediately before Christmas day and for the week (7 days) immediately before Easter Sunday, when the retail store shall only be open for trade between the hours of 06.00 and 24.00 Monday to Saturday and will, comply with the Sunday Trade Act (or subsequent replacement) on Sundays.
- Reason: To comply with Arun District Local Plan policy GEN32, and in accordance with the NPPF.
- 15 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. In the event that such consent is sought and given by the local planning authority the development shall be carried out in accordance with the approved details.
- Reasons: To prevent development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution in accordance with the NPPF.

- 16 No development shall commence until the vehicular access serving the development has been constructed in accordance with the approved planning drawing Proposed Location Plan Drawing Number 1117.P-11E

Reason: In the interests of road safety.

- 17 No part of the development shall be first occupied until provision has been made within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority to prevent surface water draining onto the public highway.

Reason: In the interests of road safety.

- 18 In respect of the application granted Full Permission (Retail Unit), no development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters;

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

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

- 19 The Approved Framework Travel Plan (Redwood Partnership (PMcL/3167d2/February 2015) shall be implemented in accordance with the timescales specified therein, to include those parts identified as being implemented prior to occupation and following occupation, unless alternative timescales are agreed in writing with the Local Planning Authority. The Approved Travel Plan shall be monitored and reviewed in accordance with the agreed Travel Plan targets to the satisfaction of the Local Planning Authority.

Reason: To support sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking and cycling.

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

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 21 If within a period of five years from the date of the planting of any tree or shrub approved under condition 21, that tree or shrub (or any tree or shrub planted in replacement for it) is removed, uprooted or destroyed or dies (or becomes in the opinion of the Local Planning Authority seriously damaged or defective) another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason: To ensure that adequate provision is made for the planting of trees and shrubs and in the interests of maintaining and enhancing the quality and enjoyment of the environment.

- 22 No development shall commence until a scheme for the provision of external lighting has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include full details of the locations, design, luminance levels, light spillage, hours of use, and columns for all external lighting within the site. The approved scheme shall be implemented in full prior to the occupation of the buildings.

Reason: To safeguard the residential amenities of the local area in accordance with policies GEN7 and GEN32 of the Arun District Local Plan.

- 23 The buildings shall not be occupied until the 196 parking spaces, and turning facilities shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policy GEN7 of the Arun District Local Plan.

- 24 The construction of external facing materials for each building shall not take place until details and samples of all external walling, window, door and roofing materials for that building have been submitted to and approved in writing by the Local Planning Authority. Such materials shall be made available on site prior to the commencement of their use, for the inspection of the Local Planning Authority who shall be notified in writing of their availability. The building works shall be constructed from the materials thereby approved.

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

25 No mechanical ventilation or air conditioning system or any other plant machinery shall be installed or operated for each building until details of the installation and operation of the system have been submitted to and approved in writing by the Local Planning Authority. The system shall thereafter only be installed and operated in accordance with the approved details.

Reason: In the interests of amenity in accordance with Arun Local Plan Policies GEN7, DEV26 and GEN34

26 In respect of the part of the application granted Full Permission (Retail unit), external lighting in association with this development shall comply with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Installations for Zone E2.

Reason: To safeguard the residential amenities of the local area in accordance with GEN7 and GEN32 of the Arun District Local Plan.

27 In respect of the part of the application granted Full Permission (Retail unit), prior to the commencement of construction of a phase, written evidence will be submitted to and approved in writing by the Local Planning Authority that the development is registered with a BREEAM certification body and a preassessment report (or a design stage certificate with interim rating if available) has been submitted indicating that the development can achieve the BREEAM level "Good". The documentation will include an energy plan showing that a minimum of 10 percent of on-site energy will be produced by low and zero carbon technologies. The statement shall be approved by the Local Planning Authority and the building should be constructed in accordance with the detailed scheme.

Prior to the occupation of each phase of the development a post construction review statement for that phase shall be submitted by the applicant including a BRE certified BREEAM final assessment and associated paper work and approved in writing by the Local Planning Authority.

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

28 Prior to the commencement of development of any preparatory works an Ecological Protection & Enhancement Plan shall be submitted to and agreed in writing by the Council. The Plan shall be based on the mitigation measures proposed in Preliminary Ecological Assessment dated November 2014 prepared by Middlemarch Environmental and the Water Vole and Reptiles Survey by Urban Edge Environmental Consulting in May 2015 and will include a programme of ecological monitoring to inform the long term management of the site. The Plan will include full mitigation strategy for Water Voles and Reptiles and a work programme with clear timelines for each mitigation measure to be carried out. The mitigation measures shall be implemented in accordance with the timescales set out in the agreed plan.

Reason: To ensure the protection and retention of biodiversity in accordance with Arun District Local Plan Policy GEN29

- 29 In respect of the part of the application granted Full Permission (Retail unit), demolition and construction works shall not take place outside 08.00 hours to 18.30 hours Mondays to Fridays and 08.00 hours to 13.30 hours on Saturday. There will be no construction on Sundays or Bank Holidays.

Reason: To safeguard the residential amenity of the area in accordance with the Arun District Local Plan.

- 30 In respect of the part of the application where Outline Permission is granted (Public House), prior to the commencement of construction of a phase, written evidence will be submitted to and approved in writing by the Local Planning Authority that the development is registered with a BREEAM certification body and a preassessment report (or a design stage certificate with interim rating if available) has been submitted indicating that the development can achieve the BREEAM level "Good". The documentation will include an energy plan showing that a minimum of 10 percent of on-site energy will be produced by low and zero carbon technologies. The statement shall be approved by the Local Planning Authority and the building should be constructed in accordance with the detailed scheme.

Prior to the occupation of each phase of the development a post construction review statement for that phase shall be submitted by the applicant including a BRE certified BREEAM final assessment and associated paper work and approved in writing by the Local Planning Authority.

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

- 31 In respect of the part of the application where Outline Permission is granted (Public House), demolition and construction work shall not take place outside 08.00 hours to 18.30 hours Mondays to Fridays and 08.00 hours to 13.00 hours on Saturday. There will be no Sundays or Bank Holidays.

Reason: To safeguard the residential amenity of the area in accordance with the Arun District Local Plan.

- 32 In respect of the part of the application where Outline Permission is granted (Public House), no development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters;

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

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

INFORMATIVE

Please note that related to this permission there is an agreement under Section 106 of the Town & Country Planning Act 1990.

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

INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.



Karl Roberts
Director Planning & Economic Regeneration

Case Officer: Mr N Crowther

Date of Decision:

27 June 2016

Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against this planning application decision, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against this planning application decision, then you must do so within 28 days of the date of service of the enforcement notice, or within 12 weeks of the date of this notice, whichever period expires earlier.

Otherwise, if you want to appeal against this decision then you must do so within 6 months of the date of this notice.

Appeals must be using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <http://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

PURCHASE NOTICES

If either the local planning authority or the Secretary of State refused permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for the Park, or in any other case the district council in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town & Country Planning Act 1990.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on highway land).