TOWN AND COUNTRY PLANNING ACT 1990

ARUN DISTRICT COUNCIL

DECISION NOTICE

Application Ref: A/4/10/

1 **To Addressee**

Paul Airey
Luken Beck Ltd
30 Carlton Crescent
Southampton
SO15 2EW

2 **Site Address**

The Vinery
Arundel Road
Poling
BN18 9PY

3 **Description of Development**

Continuance of use without compliance with condition no. 6 imposed under planning reference A/17/08 - to allow for industrial B8 use

4 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 plan and subject to compliance with the conditions specified.

CONDITION 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).

CONDITION 2 The use hereby permitted shall not be operated on Sundays or Public Holidays or at any time otherwise than between the hours of 0700 to 1800 on Mondays to Fridays and 0700 to 1300 on Saturdays.

Reason: To safeguard the amenities of neighbouring properties in accordance with policy GEN7 of the Arun District Local Plan.

CONDITION 3 The equivalent continuous A-weighted sound pressure level over any 15 minute period (LAeq 15min), arising from machinery and operations at the site shall not exceed the background noise level (LA90, 5min) by more than 5dB(A), when measured at the boundary of any residential propery.

The maxinmum noise level (LAmax) from machinery and operations at the site shall not exceed 60dB(A), when measured at the boundary of any residential property. All noise measurements shall be made according to the main procedural requirements of BS 4142:1990

Reason: To safeguard the amenities of neighbouring residential properties and their occupiers in accordance with policies GEN7, GEN32 of the Arun District Local Plan.

CONDITION 4 No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site except within the buildings at any time approved by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with policy GEN7 of the Arun District Local Plan.

CONDITION 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the buildings shall not be extended or altered in any way unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the amenities of adjoining residential occupiers and the locality in general and in order to control the development in the interests of the character and appearance of the buildings which are outside the built-up area, as defined, where normally only that development essential in the interests of agriculture/forestry is permitted in accordance with policy GEN7 of the Arun District Local Plan.

CONDITION 6 The premises shall be used only for purposes within Use Class B1(c) and Use Class B8 as defined in the Town and Country Planning (Use Classes) Order, 1987 (as amended).

Reason: To enable the Local Planning Authority to control the use of the premises in detail having regard to the amenities of nearby residential properties in order that the Local Planning Authority may regulate and control the use of the premises in accordance with policy GEN7 of the Arun District Local Plan.

INFORMATIVE: Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN7, GEN3

NATIONAL POLICIES: PPS1, PPG4, PPS7, PPG13

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.

Case Officer: Mr P Cleveland

Head of Planning Services
Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

Date of Decision: **3rd March 2010**

Date Decision Issued: **4th March 2010**

Karl Roberts
Assistant Director Planning Services &
Housing Strategy

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

NOTES RELATING TO PLANNING APPLICATION
TOWN AND COUNTRY PLANNING ACT 1990

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 First Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within 6 months of the date of this notice using a form which you can get from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him 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.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

PURCHASE NOTICES

If either the local planning authority or the First 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 District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions 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).