



Town & Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management
Procedure) (England) Order 2010 (as amended)
Application for Planning Permission
DECISION NOTICE

Application Ref: A/74/13/

1 To Addressee

Paul Airey Planning Associates
 The Coach House
 Taylors
 Rusper Rd
 Capel
 Surrey
 RH5 5HF

2 Site Address

The Vinery
 Poling
 BN18 9PY

3 Description of Development

Proposed distribution warehouse and covered storage, trade counter and associated offices. Upgrading of access road for and improvement of existing junction with the A27. This application is a Departure from the Development Plan and affects a public Right of Way.

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 plans and subject to compliance with the conditions specified.

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:
- Existing Location and Block Plan 0764-PA-001 Rev C
 Proposed Site Plan 0764-PA-010 Rev B
 Planting Plan cbla/TVP/P/001/B
 Proposed Warehouse Elevations 0764-PA-013 Rev C
 Proposed Covered Storage Elevations 0764-PA-014 Revision A
 Access Road to rear Development 35201-102 Rev B
- Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 of the Arun District Local Plan.
- 3 The gross floorspace for the storage and distribution warehouse hereby approved shall not exceed 6,400 square metres. No mezzanine floors are to be inserted in any part of the building without the prior approval of the Local Planning Authority.
- Reason: To accord with the stated intentions of the submitted Design and Access Statement
- 4 The storage and distribution warehouse hereby permitted shall not be operated on Sundays or Public Holidays or at any time otherwise than between the hours of 06.00 to 18.00 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.
- 5 Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:
- Monday-Friday: 08.00hrs-18.00hrs
 - Saturday: 08.00hrs-13.00hrs
 - Sundays and Bank Holidays: no work permitted.
- Reason: To safeguard the amenities of nearby residents and to accord with policies GEN7 and GEN 32 of the Arun District Local Plan.
- 6 The development shall be carried out in accordance with the submitted Noise Impact Assessment (Clement Acoustics 7739-NIA-01 7 December 2012). The detailed scheme of noise mitigation measures outlined in Section 7.1 of the report shall be implemented prior to the commencement of development and be permanently maintained for the duration of the works.
- Reason: In order that noise levels may be agreed prior to the commencement of development.

- 7 From first occupation of the development hereby approved, the equivalent continuous Aweighted 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 the 5dB(A), when measured at the boundary of any residential property.
- The maximum noise level (L_{Amax}) 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.
- 8 Other than the area shown for "Trade Counter" and "Offices" on the approved plans the units shown on the plans hereby permitted which shall be used solely for the purposes within 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
- 9 From first occupation of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority the total number of Heavy Goods Vehicle movements associated with the development hereby permitted, shall not exceed 30 per day. For the avoidance of doubt a Heavy Commercial Vehicle shall have a gross vehicle weight of 7.5 tonnes or more and the arrival at site of a Heavy Goods Vehicle and departure from it count as separate movements.
- Reason: In the interests of safeguarding local amenity and the amenity of the users and in the interest of road safety.

- 10 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 all 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.
 - Layout of the site compound to indicating storage, turning provision, unloading/loading, wheel washing facilities, parking etc
 - Detail of parking provision for site operatives and visitors
 - The type and dimensions of vehicles accessing the site
 - Layout of site accesses including visibility and vehicle tracking plots where appropriate
- Reason: In the interests of highway safety and the amenities of the area.
- 11 An archaeological investigation (sampling, monitoring and recording) of the site shall be carried out at the expense of the developer in accordance with a specification (written scheme of investigation) to be submitted to and agreed by the Local Planning Authority in writing following the demolition of any existing buildings and before the commencement of building works.
- Reason : To ensure appropriate investigation and recording of archaeological heritage assets on the site prior to commencement of new building works.
- 12 No work shall be carried out on the site unless and until an effective vehicle wheel cleaning facility has been installed in accordance with details approved by the Local Planning Authority and such facility shall be retained in working order and operated throughout the period of work on the site.
- Reason: To ensure that vehicles do not leave the site carrying earth and mud on their wheels in a quantity which causes a nuisance or hazard on the road system in the locality and to accord with policy GEN7 of the Arun District Local Plan.
- 13 No construction/building work shall be carried out on site unless there is available within the site in accordance with details approved by the Local Planning Authority provision for the temporary parking of vehicles and the loading and unloading of vehicles associated with the building or other operations on the site throughout the period of work required to implement the development hereby permitted.
- Reason: In the interests of road safety and to accord with policy GEN7 of the Arun District Local Plan.

- 14 No work shall be carried out on site unless provision is available within the site (or other adjacent land within the applicant's control) in accordance with details approved by the Local Planning Authority, for all temporary contractors' buildings, plant and stacks of materials associated with the development and such provision shall be retained for these purposes throughout the period of work on the site.
- Reason: To avoid undue congestion of the site and consequent obstruction to access and to accord with policy GEN7 of the Arun District Local Plan.
- 15 The buildings shall not be occupied until the parking spaces 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 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.
- 16 No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority. The approved travel plan shall be implemented as approved.
- Reason: To encourage and promote sustainable transport.
- 17 The development shall not be occupied until a Vehicle Routing 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 in perpetuity. The Plan shall provide details as to how HGV's will access and egress the site, and the measures that will be taken to ensure that HGV's do not use unsuitable vehicle crossover points on the A27 at Poling Street.
- Reason: In the interest of road safety.
- 18 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.

- 19 If within a period of five years from the date of the planting of any tree or shrub approved under condition 20, 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.
- 20 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 storage and distribution warehouse.
- Reason: To safeguard the residential amenities of the local area in accordance with policies GEN7 and GEN 32 of the Arun District Local Plan.
- 21 From first occupation of the development:
- a) The means of vehicular access to the development hereby approved, including access to the service yard shall be via the Vinery Commercial estate only.
- b) There shall be no means of vehicular access, except for emergency vehicles, to the development from the unnamed lane fronting Lillian Terrace to New Terrace.
- REASON: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan
- 22 From first occupation of the development:
- a) The means of vehicular access to Yarmer Barn, shall be via the Vinery Commercial estate only.
- b) There shall be no means of vehicular access, except for emergency vehicles, to Yarmer Barn from the unnamed lane fronting Lillian Terrace to New Terrace.
- REASON: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan
- 23 The buildings shall not be occupied until the 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 No removal of trees or shrubs shall be carried out on site between March to August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority. Where vegetation must be cleared during the bird breeding season a check for nesting birds by a suitably qualified ecologist will be required. Any vegetation containing occupied nests will be retained until the young have fledged. The location details of the compensatory nesting provision should be supplied to the Local Planning Authority for written approval prior to their erection.

Reason: In the interest of protecting and conserving the ecological quality of the area in accordance with the NPPF paragraph 118.

- 25 No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A site investigation scheme, based on the Phase 1 Contamination Assessment Report to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2. The results of the site investigation and the detailed risk assessment referred to in (1) 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.

3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reasons: To ensure the protection of water quality in accordance with the NPPF.

The site lies above the Lambeth Group formation which is designated a Secondary Aquifer and overlies chalk at depth. The site is located near to the Source Protection Zone 1 (SPZ) for the Blue Prince Mushrooms abstraction point. Contamination may be present at the site as a result of its historical use(s). Any contamination present may pose a risk to groundwater underlying the site and potable supplies.

- 26 Prior to the use of the site a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reasons: To ensure the protection of water quality in accordance with the NPPF.

The site lies above the Lambeth Group formation which is designated a Secondary A aquifer and overlies chalk at depth. The site is located near to the Source Protection Zone 1 (SPZ) for the Blue Prince Mushrooms abstraction point. Contamination may be present at the site as a result of its historical use(s). Any contamination present may pose a risk to groundwater underlying the site and potable supplies.

- 27 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 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.

Reasons: To ensure the protection of water quality in accordance with the NPPF.

The site lies above the Lambeth Group formation which is designated a Secondary A aquifer and overlies chalk at depth. The site is located near to the Source Protection Zone 1 (SPZ) for the Blue Prince Mushrooms abstraction point. Contamination may be present at the site as a result of its historical use(s). Any contamination present may pose a risk to groundwater underlying the site and potable supplies.

- 28 The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reasons: To ensure the protection of water quality in accordance with the NPPF.

- 29 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.
- The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.
- Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.
- Where a sustainable drainage scheme is to be provided, the submitted details shall:
- provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - include a timetable for its implementation; and
 - provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.
- Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.
- 30 The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSSC) 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.
- 31 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

- 32 Prior to the commencement of development the applicant will submit to the District Council, and have approved in writing a scheme detailing arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site. The scheme should detail how the approved development will not restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site. The scheme so approved shall be adhered to in the construction of the building and maintained for the lifetime of the development.

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.

- 33 No part of the development hereby permitted shall be occupied until the completion of the improvements to the A27 shown on drawing number 35201-102 Rev E (or such other scheme of works substantially to the same effect, as may be approved in writing by the local planning authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport)).

Reason: 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.

- 34 No works shall commence on site until a Construction Management Plan, to include details of numbers and routeing of construction vehicles, provision to control and manage construction traffic and measures to prevent dust and debris from being deposited onto the A27 Trunk Road, has been submitted to and approved in writing by the Local Planning Authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport). 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 the Highways Agency on behalf of the Secretary of State for Transport).

Reason: To ensure that construction of the development does not result in avoidable congestion on the A27 Trunk Road, to prevent extraneous material being deposited on the highway, 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.

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No development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls, including the proposed green wall support lattice, and roof of the proposed buildings 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.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/setting of the the Listed Building/ by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

INFORMATIVE: Further details are required on the proposal to install a package treatment plant for treating foul drainage. If you wish to discharge treated sewage effluent into a surface water or to ground you may require an Environmental Permit from the Environment Agency. You should apply online at <http://www.environment-agency.gov.uk/business/topics/permitting> or contact 08708 506506 for an Environmental Permit.

As part of the Permitting process the environmental acceptability of the discharge on the receiving waters will be fully determined. There are therefore no guarantees a Permit will be granted.

INFORMATIVE: The application highlights the proposed storage of agricultural chemical onsite. These should be stored in secure containers with regard to health and safety and to ensure pollution prevention. The applicant should refer to the Environment Agency's Pollution Prevention Guidance Note 1 which is available from <http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>



Karl Roberts
Assistant Director Planning & Economic Regeneration

Case Officer: Mr C Cronin

Date of Decision:

24 January 2014

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

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 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 your local planning authority's decision on your application, 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 your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

For all other cases, 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 Secretary of State at the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or on line at www.planningportal.gov.uk/pes

If this decision is a refusal relating to a minor commercial development, where the application was made on or after 1 October 2013, please note that you must appeal within 12 weeks of the date of this notice. For a definition of minor commercial development please refer to The Town and Country Planning (Appeals) (Written Representations Procedure and Advertisements) (England) (Amendment) Regulations 2013 or contact this office for clarification.

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 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).