ARUN DISTRICT COUNCIL

# 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: BE/73/14/PL**

1 **To Addressee**

Quod
Ingeni Building
17 Broadwick Street
London
WIF 0AX

2 **Site Address**

Land at Oldlands Farm
Shripney Road

PO22 9NN

3 **Description of Development**

Erection of 2 No. detached industrial/distribution units (B1(c)/B2/B8) including access & servicing arrangements, car parking, landscaping & associated flood compensation area. This application is a departure from the development plan. This application also lies within the parish of Aldingbourne

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 below.

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 and statements:

Site Location Plan 30699 PL 100D;
Site Layout Plan 30699 PL 101D;
Existing Site Plan 30699 PL 103A;
Roof Plan 30699 PL 102A;
Unit 1 Floor Plans 30699 PL 110A;
Unit 2 Floor Plans 30699 PL 111A;
Unit 1 Elevations and Section 30699 PL 120A;
Unit 2 Elevations and Section 30699 PL 121A;
Gatehouse 30699 PL 125A;
Battery Store 30699 PL 126;
Unit 1 Coloured Elevations 30699 PL 135;
Unit 2 Coloured Elevations 30699 PL 136;
Phase 1 Site Layout Plan 30699 PL 104C;
Phase 2 Site Layout Plan 30699 PL 105C;

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

3 Prior to the Commencement of Enabling Works a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the period of Enabling Works. 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 Enabling Works,
- the method of access and routing of vehicles during Enabling Works,
- 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 during the Enabling Works,
- the provision of wheel washing facilities and other works required to mitigate the impact of the Enabling Works upon the public highway (including the provision of temporary Traffic Regulation Orders),
- measures to control the emission of dust and dirt,
- details of lighting and security,

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

4 An archaeological recording and monitoring exercise shall be carried out at the expense of the developer in accordance with a specification (WSI - written scheme of investigation) to be submitted to and agreed by the Local Planning Authority in writing before the commencement of building works. The approved details shall be implemented prior to commencement of development and be retained and maintained thereafter.

Reason : To ensure appropriate investigation and recording of archaeological heritage assets on the site prior to commencement of new building works.

5 Prior to Commencement of Development or phase of development 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. 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.

6 Prior to Commencement of Development a Construction Management Plan shall be 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 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,

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

7 Prior to Commencement of Development or phase of development details of the proposed means of foul water sewerage disposal shall be submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water.

Reason: To prevent pollution of the any watercourse and protect the environment in accordance with Arun District Local Plan policies GEN7 and GEN33.

8 Prior to Commencement of Development or any phase of development an ecological enhancement scheme shall be submitted to the Local Planning Authority for approval and will be based on the recommendations within the supporting ecological report June 2014. All approved details shall then be implemented in full and in accordance with the agreed timings and details.

Reason: In the interests of the amenity of the environment of the development in accordance with paragraph 118 of the National Planning Policy Framework.

9 Prior to First Occupation 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.

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.

10 The Development shall be carried out in accordance with the surface water drainage strategy as set out in the approved Flood Risk Assessment prepared (R/14443/001) which is based on sustainable drainage principles and provides an assessment of the hydrological and hydrogeological context of the development. In accordance with the details within the FRA, the development must ensure that surface water run-off generated up to and including the 1 in 30 year and 1 in 100 year for climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event (as stated within the approved FRA (R/14443/001); and pollution prevention measures as set out in the approved FRA are implemented.

Prior to First Occupation the complete surface water drainage system serving the phase within which that Building is situated has been implemented in accordance with the agreed details (which may be revised from time to time with the written approval of the Planning Authority).

Prior to First Occupation provision shall 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: To prevent an increased risk of flooding, both on and off site and 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.

11 Prior to First Occupation a Travel Plan shall be 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.

Reason: To encourage and promote sustainable transport.

12 The Development shall be carried out in accordance with the approved Noise Assessment (A087856) which provides details of the sound insulation and management measures to be incorporated into each Building. The approved details shall be implemented prior to First Occupation and be retained and maintained thereafter.

Reason: In the interests of amenity in accordance with Arun Local Plan Policies GEN7 and GEN32.

13 Prior to the First Occupation a Lorry Routing Agreement shall be submitted to and approved in writing by the Local Planning Authority. The Development shall thereafter be operated in accordance with the approved Lorry Routing Agreement unless otherwise agreed in writing by the LPA.

Reason: In the interests of amenity and to ensure the suitable routing of vehicles.

14 Prior to First Occupation details of a scheme for the provision of public art to be installed on the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within 12 months of Frist Occupation.

Reason: In the interests of the amenity of the area.

15 The development permitted by this planning permission shall only be carried out in accordance with the following mitigation measures detailed within the approved Flood Risk Assessment (FRA) (ref: R/14443/001):

1. Limiting the surface water run-off generated by the 1in100yr 30% for climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
2. Provision of compensatory flood storage as set out in the approved plans.
3. Finished floor levels are set no lower than 3.0 m above Ordnance Datum (AOD).

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 be agreed, in writing, by the Local Planning Authority.

Reason: To prevent flooding to the site and elsewhere by ensuring that compensatory storage of flood water based on the best information available is provided in accordance with the NPPF.

16 The Development shall be constructed to achieve BREEAM "Very Good" rating.

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.

17 The Development shall incorporate measures to achieve a minimum of 10% of on-site energy to be produced by low and zero carbon technologies.

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.

18 There shall be no occupation of the development hereby approved 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 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. The Development shall be carried out in accordance with the approval details.

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.

20 The Development shall be constructed in accordance with the external materials and finishes as shown on the approved drawings (refs. 30699-PL-101A/102A/120A/121A/125A/126).

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

21 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.

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.

22 Piling or any other foundation designs using penetrative methods shall not be 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 groundwater. The development shall be carried out in accordance with the approved details.

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. Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

23 Prior to the occupation of the development a scheme shall be submitted and agreed by the Local Planning Authority detailing 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.

24 All external lighting shall be carried out in accordance with the submitted External Lighting Statement (ref. 2PL002) unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the character and amenity of the area.

25 The applicant shall prepare and submit for approval an Employment and Skills Plan for the occupation phase of development. Following approval of the Employment and Skills Plan the occupier will implement and promote the objectives of the approved plan. The occupier shall provide to the Local Planning Authority with reports outlining the achievements against the Employment and Skills Plan targets and provide details of the employment and skills activities delivered in that time.

There shall be no occupation of the buildings hereby approved until such a Plan has been submitted to, and agreed in writing by, the Local Planning Authority.

Reason: in accordance with policies in the Emerging Local Plan.

INFORMATIVE: For the purpose of the conditions set out above the following definitions apply:

"Building" means any building (as defined in the Town and Country Planning Act 1990) to be built, extended or developed as part of the Development.

"Commencement of Development" means the carrying out of a Material Operation pursuant to the Permission on the Site for the implementation of the Development and "Commence Development" or "Commencement" shall be construed accordingly.

"Development" means the development permitted by this Permission.

"Enabling Works" means any (i) site establishment including haulage roads and site access points; (ii) Enabling Works including soil stripping and storage, levelling, excavation and storage for re-use on-site; (iii) Site clearance including vegetation removal; (iv) works of archaeological or ground remediation; (v) the erection of construction fencing or construction hoardings; (vi) the provision of security measures or lighting; (vii) the laying removal or diversion of services; (viii) earth retaining structures.

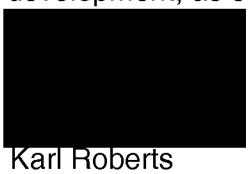
"Material Operation" means any operation within the meaning of section 56(4) of the 1990 Act save that for the purposes of this Permission the term shall not include Enabling Works.

"First Occupation" means first beneficial use of any Building permitted by this Permission

"Permission" means this planning permission Ref. BE/73/14/PL to carry out the Development.

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.



Case Officer: Mr C Cronin

Date of Decision: **28 August 2014**

Karl Roberts
Assistant Director Planning & Economic Regeneration

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/pcs

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).