

DECISION NOTICE

Application Ref: BE/126/19/PL

1 To Addressee

Mr D Wheelwright
Rapleys
55 Spring Gardens
Manchester
M2 2BY

2 Site Address

Land at Phase 1A
Oldlands Farm
Shripney Road
Bognor Regis
PO22 9NN

3 Description of Development

Erection of a 1410 square metres discount convenience retail food store (Use Class A1) & parking, landscaping & other associated works.

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 the following conditions.

- 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 191118-18179 AD 100 Rev C - Location Plan, 191118-18179 AD 110 Rev D - Proposed Site Plan, 190719-18179 AD 111 - Proposed Building Plan, 190719-18179 AD 113 - Proposed Elevations, 190719-18179 AD 112 - Proposed Roof Plan, 191118-18179 AD 114 Rev C - Proposed Boundary Treatments, 191118-18179 AD 115 Rev C - Proposed Site Finishes

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 No part of the development shall be first occupied until the secure and covered cycle parking spaces, road(s), footways, and casual parking areas serving the development have been constructed, surfaced and drained in accordance with the approved plans.

Reason: To secure satisfactory standards of access for the proposed development, in accordance with Policy D DM1 of the Arun Local Plan.

- 4 Prior to the commencement of development full details of the hard & soft landscape works for the site, including an implementation programme, shall be submitted to and be approved in writing by the Local Planning Authority. Parking provision shall be maintained at 149 spaces and whilst the parking layout has been agreed in general, it is acknowledged that minor amendments to the parking layout may be necessary as part of the agreement of the 'soft' landscaping works with the Council.

Hard landscape works shall include:

- (a) proposed finished levels and/or contours,
- (b) boundary details and means of enclosure,
- (c) vehicle and pedestrian access and circulation areas,
- (d) hard surfacing areas,
- (e) minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting etc.),

Soft landscape works shall include:

- (f) planting plans
- (g) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment);
- h) schedules of plants noting species, planting sizes and proposed numbers/densities; and
- i) replacement planting if trees and shrubs die.
- (j) further landscape provision to the main area of carparking with the incorporation of planted areas for trees and shrubs
- (k) the green boundary treatment along the boundary edges to be increased in size to cater for a suitable planting scheme, given sufficient space and growing medium to be able to establish and thrive.
- (l) the boundary treatment areas to incorporate tree species in the design. Trees specified should be at a size which allows instant impact, but which will establish and mature as the site develops

All hard and soft landscaping works shall be carried out in accordance with the approved details, the approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.

Reason: To ensure the provision and establishment of acceptable landscape in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a precommencement condition to ensure the correct hard landscaping is implemented.

- 5 Within 2 months of the permission hereby granted, the applicant or occupier of the proposed foodstore shall enter into negotiations with the local planning authority to identify a scheme for the pedestrian link/ cycle link on the eastern side of the A29 from the Felpham Relief road southwards to the Oldlands Way roundabout. Once the scheme has been agreed in writing with the local planning authority, the applicant or occupier of the proposed foodstore will be required to enter into a Section 278 agreement with the local highways authority and implement the works in full within a timescale to be agreed.

Reason: In the interests of road safety, in accordance with Policy D DM1 and Policy T SP1 of the

- 6 Development shall not commence, other than works of site survey and investigation, 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, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 7 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.

- 8 Development shall not commence until full details of the maintenance and management of the surface water drainage 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 manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

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. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

- 9 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 once approved shall thereafter be implemented as specified within the approved document. 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. Improved sustainable modes of transport relate to plans to improve nearby existing footways, cycleways, bus routes, pedestrian links and links to train stations. 'Smarter choices' apply mainly to employment travel plan schemes or potential schemes which provide people with genuine practical methods to reduce car journeys, such as through cycle schemes and car sharing.

Reason: To encourage and promote sustainable transport.

- 10 Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1,W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 11 The details and recommendations set out in the submitted Ecological Assessment (8270.EcoAs.vf), June 2019, as well as the recommendations and enhancements asked for by the Council's Ecologist shall be implemented in full prior to the completion of the development and be retained thereafter.

Specifically these are:

- Wildflower meadow planting used
- Filling any gaps in tree lines or hedgerows with native species
- Bat and bird boxes installed on the site (as detailed above)
- Grassland areas managed to benefit reptiles.
- Log piles onsite
- two hedgehog nesting boxes included on the site

A bat box should be provided onsite facing south/ south westerly positioned 3-5m above ground.

Due to the likely presence of water voles within ditch near to the site precautions should be put in place to ensure no rubble or building waste enters the ditch. As part of the wider area, the ditch needs to be subject to protective measures with a 5m buffer being set up from the ditch bank and fencing used during the construction period to ensure this area remains undisturbed.

If any works need to take place in this area, then a full mitigation strategy for water voles will be required.

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 1st March - 1st 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). A bird box also needs to be installed on the building and or tree on the site.

Reason: To ensure the acceptable management of the landscaping on the site in accordance with Policy D DM1 of the Arun Local Plan.

- 12 Construction of the development shall not commence until details of the proposed means of foul water & sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water

Reason: To prevent development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution in accordance with the NPPF, and to prevent pollution of groundwater in accordance with Policy D DM1 of the Arun Local Plan.

- 13 Prior to the development being brought into first use a scheme for the provision of facilities to enable the charging of electric vehicles to serve the proposed foodstore shall be submitted to the

local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be retained and maintained in good working condition.

Reason: New petrol and diesel cars / vans will not be sold beyond 2040, 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, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework (NPPF).

- 14 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:
- a) an indicative programme for carrying out of the works;
 - b) Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
 - c) Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
 - d) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
 - e) The parking of vehicles of site operatives and visitors;
 - f) Loading and unloading of plant and materials, including permitted times for deliveries;
 - g) Storage of plant and materials used in constructing the development;
 - h) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - i) 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 Regulations Orders);
 - j) Measures to control the emission of dust and dirt during construction;
 - k) A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted.

Reason: To protect the amenity of pedestrians & of highway users in accordance with Policy QE SP1 of the Adopted Arun Local Plan 2011 - 2031

- 15 No construction / demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Adopted Arun Local Plan 2011-2031

- 16 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Adopted Arun Local Plan 2011 - 2031

- 17 The foodstore hereby approved shall be restricted to predominantly retail convenience goods, with a net sales floor space of 1,410 sqm, with no more than 282 sqm being for the sale of retail comparison goods.

Reason: To ensure the development will not have an adverse impact on the vitality and viability of the Town Centre.

- 18 Details of the photo-voltaics (PVs) to be installed shall be in accordance with the submitted details and provide at least 10% of the predicted energy usage through renewable energy sources. The approved details shall be installed prior to occupation of the respective unit and be maintained thereafter.

Reason: To ensure that renewable energy resources are implanted on the site, in accordance with Policy ECC SP2 of the Arun Local Plan.

- 19 Prior to the commencement of development the applicant shall prepare and submit for approval an Employment and Skills Plan. Following approval of the Employment and Skills Plan the developer will implement and promote the objectives of the approved plan.

Reason: In accordance with Policy SKILLS SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as it relates to the construction phase of development.

INFORMATIVE: The applicant's attention is drawn to the requirements of the Environmental Protection Act 1990 and the Clean Air Act 1993 with regard to burning on site. A 'Statutory Nuisance' may be caused by smoke and ash from fires or noise from the cutting or chipping trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should also be contacted regarding Exemption Permits to burn on site.

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.

INFORMATIVE: For a site of this size it is expected that a full winter's groundwater monitoring is completed even if infiltration is not viable to ensure that the risks of flotation are appropriately mitigated in design. Therefore when the design is agreed, a full winter's groundwater monitoring (that shows the peak groundwater level) will be required. There must be capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.

Supplementary guidance notes regarding surface water drainage are located here

<https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here:

<https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health Department on 01903 737555.



Neil Crowther
Group Head of Planning

Case Officer: David Spring

Decision Issued: **18th March 2020**

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 6 months 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.

If you intend to submit an appeal that you would like examined by inquiry then you must send notice to the Local Planning Authority and Planning Inspectorate(inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details can be found at www.GOV.uk

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).