



Town & Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management
Procedure) (England) Order 2015
Application for Planning Permission
DECISION NOTICE

Application Ref: BE/94/15/PL

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To Addressee

Quod
 Ingeni Building
 17 Broadwick Street
 London
 W1F 0AX

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Site Address

Former LEC Refrigeration Site
 Shripney Road

PO22 9NG

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Description of Development

Erection of 1no. retail warehouse (Class A1) including mezzanine, outdoor project centre & secure compound, access & servicing arrangements, car parking, landscaping & associated works

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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.

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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:
- 13379-100 Location Plan;
 13379-101 Existing Site Layout;
 13379-111 Rev B Proposed Site Layout;
 13379-112 Rev A Proposed Floor Plans;
 13379-113 Rev E Proposed Elevations;
 13379-114 Rev B Proposed Roof Plan;
 V13379 L01 Landscaping Plan; and
 R151222/002 - Flood Risk Assessment and Surface Water Drainage Strategy.
- 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.
- 3 The gross floorspace of the unit hereby permitted shall not exceed 2350 square metres. No further additional floorspace shall be created, whether by extension or internal alterations including installation of mezzanine floorspace, unless approved in writing by the Local Planning Authority.
- Reason: To ensure no adverse impact on Bognor Regis town centre in accordance with policy DEV27 of the Arun District Local Plan and the National Planning Policy Framework.
- 4 The retail premises hereby permitted shall only be used for the sale of non-food bulky goods comprising furniture and floor coverings; domestic electrical and gas appliances; cycles and cycle parts and accessories; stationary and office supplies and equipment; hardware; DIY goods and decorators' supplies; building trade goods; garden products, goods and services, and for no other purposes (including any other purpose in Class A1 of the Use Classes Order 1987 as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without the prior permission in writing of the Local Planning Authority. Goods falling outside the permitted range may be sold only where they form a strictly minor and ancillary part of the proposed store's operation.
- Reason: To protect town centre viability and vitality, in accordance with the National Planning Policy Framework and policies DEV26 and DEV27 of the Arun District Local Plan 2003.
- 5 The external walls and roof of the proposed building shall be clad in materials as detailed on the approved plans, samples of which shall be submitted to and approved by the Local Planning Authority before works on the erection of the building are commenced and the materials so approved shall be used in the construction of the building.
- Reason: In the interests of amenity to achieve a reasonable visual quality in the buildings in accordance with policy GEN7 of the Arun District Local Plan
- 6 The development shall not be occupied until the internal access configuration, marking and setting out serving the development has been constructed in accordance with the approved drawing ref 13379-111 Rev B.
- Reason: In the interests of highway safety and in accordance with policy GEN7 of the Arun District Local Plan.

- 7 No part of the development hereby approved shall be occupied until the roads and footways serving the development have been constructed, surfaced and drained in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be maintained in perpetuity.

Reason: To secure satisfactory standards of access for the proposed development in accordance with GEN7 of the Arun District Local Plan.

- 8 No part of the development shall be first occupied until such time as plans, details and construction specification and a timetable for completion for the proposed surfacing works for the diverted Public Right Of Way no 152 have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

Reason: To ensure that suitable materials are used for hard surfacing the diverted footpath are suitable for users and in order to accord with the Town and Country Planning Act S257

- 9 No part of the development shall be first occupied until the car parking and cycle spaces have been constructed in accordance with details shown on plan number 13379-111 Rev B. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide sufficient parking to the proposed use in accordance with policy GEN12 of the Arun District Local Plan.

- 10 No development shall commence until a vehicle wheel-cleaning facility has been installed in accordance with details provided to and approved by the Local Planning Authority. Such facility shall be retained in working order and be operated throughout the period of construction.

Reason: In the interests of highway safety and to ensure that mud and earth are not deposited on the public highway.

- 11 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, including a commitment to monitor the use of the proposed cycle parking spaces with a view to increasing provision should usage levels be over 90%. The approved Travel Plan shall be implemented as specified within the approved document.

Reason: To encourage sustainable patterns of travel in accordance with paragraph 36 of the NPPF.

- 12 Landscaping (hard and soft) shall be carried out in accordance with the details shown on plan V13379 L01. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons 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 5 years from the completion of the 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

- 13 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.
- No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and retained thereafter in perpetuity.
- Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.
- 14 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: 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.
- 15 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 and retained in perpetuity.
- Reason: To ensure that foul water drainage from the proposed development does not result in a deterioration of groundwater quality in accordance with GEN7 of the Arun District Local Plan.
- 16 Details of any external lighting/floodlighting, including any lighting standards, shall be submitted to and approved in writing by the Local Planning Authority before the use hereby permitted commences and the building is occupied. Development shall be carried out in accordance with the approved details.
- Reason: to safeguard the amenities of nearby residents in accordance with policies GEN7, GEN33 of the Arun District Local Plan.
- 17 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, and obtained written approval from the Local Planning Authority, for an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
- Reason: To ensure the development complies with the approved details in the interests of the protection of the environment and in accordance with policies GEN7 and GEN31 of the Arun District Local Plan.

- 18 Details of any fencing shall be submitted to and approved in writing by the Local Planning Authority before the use hereby permitted commences and the new building is occupied. Development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity to achieve a reasonable visual quality in the buildings in accordance with policy GEN7 of the Arun District Local Plan.

- 19 The development hereby approved shall not be commenced 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.

- 20 No development shall commence until the vehicular access serving the development has been constructed in accordance with the approved planning drawing.

Reason: In the interests of road safety and the NPPF.

INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

INFORMATIVE: The applicant is advised to sign up to the Arun Developer and Partner Charter or to a Skills Plan. Details of these are available in the following link:

<http://www.cskills.org/nsacademy/>

The applicant is advised to contact Linda Standley on 01903 737844 or e-mail linda.standley@arun.gov.uk

INFORMATIVE: 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.

INFORMATIVE: Section 38 Agreement of the 1980 Highways Act - Provision of Adoptable Highway - The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any work commenced prior to the S38 agreement being in place are undertaken at their own risk.

INFORMATIVE: It should be noted that Network Rail indicate that if within 3 months of occupation of the building it has been identified that lighting from the development is interfering with signal sighting, iteration/mitigation will be required to remove the conflict.

INFORMATIVE: The applicant is advised that, as from 6 April 2008, the submission of a 'Site Waste Management Plan' (SWMP) is mandatory for all construction projects in England with a project cost greater than £300,000 (excluding VAT) under the provisions of Section 54 of the

Clean Neighbourhoods and Environment Act 2005. Further information on the requirements of SWMPs and how they should be applied in practice can be obtained from DEFRA, 6/F7 6D, Ergon House, Horseferry Road, London, SW1P 2AL, Tel. (0207) 2384847 or at their website: www.defra.gov.uk/constructionwaste

INFORMATIVE: The existing public footpath through the development site should be diverted in accordance with the details previously approved by the Planning Authority under Section 257 of the Town and Country Planning Act 1990.

INFORMATIVE: The Local Planning Authority worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Case Officer: Mr S Davis

Date of Decision:

5 October 2015


Karl Roberts
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 (12 weeks in the case of a Minor Commercial development) 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.gov.uk/government/organisations/planning-inspectorate

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).