



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/79/17/PL

1 To Addressee

Sloane and Brown Ltd
 Unit 3B Woodhorn Business Centre
 Woodhorn Lane
 Oving
 Chichester
 West Sussex
 PO20 2BX

2 Site Address

Babsham Business Centre
 Babsham Lane

 PO21 5EL

3 Description of Development

Change of use of land for skip storage

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:

Drawing 689/01 Rev A "Site Location & Block Plans"; and
 Photograph of Gate (received 29/11/17).

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 development must be carried out in accordance with the recommendations and mitigation measures as set out within the Recommendations sections of the Preliminary Ecological Appraisal & Bat Building Assessment (17 Aug 2017) and the Reptile Survey Report (Oct 2017)

Any physical enhancements/mitigation measures shall be permanently retained and thereafter maintained as fit for purpose. The applicant should also note that no works can commence until the translocation of any reptiles has taken place.

Reason: In accordance with Arun District Local Plan policy GEN29 and the National Planning Policy Framework.

- 4 The development must be carried out in accordance with the precautionary approach to development in respect of Great Crested Newts as set out within section 6 of the Preliminary Ecological Appraisal & Bat Building Assessment (17 Aug 2017) and which requires that:

- * Where vegetation is removed no ground cutting works are to be undertaken between November and March to avoid the amphibian hibernation period.
- * Vegetation clearance works are to be undertaken using hand tools including brush cutters, chainsaws and all vegetation is to be taken out of the working area and disposed of off-site or used in hibernacula creation on site.
- * Work should start in the south-western part of the site, progressively moving towards the north eastern part of the site in order to encourage any amphibians that may be present to move away from the development area towards other areas of suitable habitat in the adjacent landscape comprising of agricultural land.
- * Where any piles of debris, cut vegetation, logs, rubble, compost heaps etc. are encountered, these should be left in situ during the hibernation period November to March and if these need to be disassembled this should be undertaken by hand by a suitably qualified ecologist between March and October.
- * Any reptiles or amphibians found will be recovered and moved to a safe area away from the development area by a suitably qualified ecologist.
- * In the unlikely event that a great crested newt is found, then all work should cease immediately and the advice of a suitably qualified ecologist, Arbeco Ltd or Natural England should be sought.

Reason: In accordance with Arun District Local Plan policy GEN29 and the National Planning Policy Framework.

- 5 No development shall be commenced unless and until a badger survey has been undertaken in order to check that there are no badger setts present on the site. Should a sett be found then Natural England should be consulted and a mitigation strategy produced for approval in writing by the Local Planning Authority before any works take place.

Reason: In the interests of ensuring that protected species are not harmed and in accordance with Arun District Local Plan policy GEN29 and the National Planning Policy Framework. This is required to be a pre-commencement condition as it is necessary to ensure that badgers have not moved onto the site and are therefore protected from development.

- 6 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. This is required to be a pre-commencement condition as landscaping goes to the heart of the planning permission.

- 7 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority.

The scheme should comply with the Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011, Environmental Zone E2 but also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details with no alteration without the prior written approval of the Local Planning Authority.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats) and to minimise unnecessary light spillage outside the development site in accordance with Policies GEN7, GEN29 & GEN33 of the Arun District Local Plan.

- 8 All trees and hedgerows within the site shall be protected for the duration of development works with protection measures in accordance with section 6.2 of BS5837:2012 "Trees in relation to design, demolition and construction". The protection measures shall be in place for the duration of works.

Reason: In the interests of wildlife protection in accordance with Arun District Local Plan policy GEN29 and the National Planning Policy Framework.

- 9 No removal of trees, shrubs or other vegetation that may contain birds' nests shall take place between 1st March and 31st August inclusive, unless a suitably qualified ecologist/wildlife specialist has undertaken a careful, detailed, check of vegetation for active birds' nests immediately before the vegetation is cleared and confirmed that no nests will be harmed. Where nests are discovered, the vegetation shall remain in place until nesting activity has ended naturally and the ecologist has confirmed that it is safe to proceed.
- Reason: To prevent interference with the breeding success of wild birds in the interests of biodiversity conservation, as well as to ensure compliance with the legal protection of birds, their nests and eggs under Section 1 of the Wildlife and Countryside Act 1981, as amended and in accordance with policies GEN7 and GEN29 of the Arun District Local Plan.
- 10 The use of the site shall be restricted to the hours of 8am to 6pm Mondays to Fridays, and 8.30am to 1pm on Saturdays, and the site shall not be used at any time on Sundays and Public Holidays.
- Reason: To protect the amenity of nearby residential occupiers in accordance with policies GEN7, GEN32 & GEN34 of the Arun District Local Plan and in line with the World Health Organisation definition of night time.
- 11 All vehicles, plant and machinery to be used on the site and those under the applicant's control moving to and from the site that are required to emit reversing warning noises, shall use white noise alarm as opposed to single tone "bleeping" alarms throughout the operation of the development hereby permitted.
- Reason: To protect the amenity of nearby residential occupiers in accordance with policies GEN7 & GEN32 of the Arun District Local Plan.
- 12 No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site, unless approved in writing by the Local Planning Authority.
- Reason: To safeguard the visual amenities of the locality in accordance with policy GEN7 of the Arun District Local Plan.
- 13 No skips shall be stacked at a height greater than 3 metres.
- Reason: In the interest of visual amenity in accordance with policy GEN7 of the Arun District Local Plan 2003.
- 14 The site shall only be used for the storage of skips in accordance with Class B8 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 and for no other purpose (including any use in any provision equivalent to that Class in any other Statutory Instrument revoking and re-enacting that Order).
- Reason: To enable the Local Planning Authority to maintain control in the interests of the amenities of the area and nearby residents in accordance with Arun District Local Plan policy GEN7.

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 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: Should any protected species or evidence of any protected species be found prior to or during the development, all works must stop immediately and an ecological consultant or Chichester District Council's ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of this advice and provided with the contact details of a relevant ecological consultant.



Neil Crowther
Group Head of Planning

Case Officer: Mr S Davis

Date of Decision:

12 December 2017

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 12 weeks 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.

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