

DECISION NOTICE

Application Ref: BE/89/19/PL

1 To Addressee

Mr M Wood
Sloane & Brown Ltd
Unit 3B Woodhorn Business Centre
Woodhorn Lane
Oving
PO20 2BX

2 Site Address

Babsham Business Centre
Babsham Lane
Bersted
PO21 5EL

3 Description of Development

The change of use of land for the storage of building materials, equipment & plant & for the parking for fixed body vehicles together with part boundary screen fence with a secure gated access point to the site.

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 approved shall be carried out in accordance with the following approved plan:

Dwg No 871/PL01,
Site Identification Plans,
Site Layout Plan and Storage Container Details, received on 16/04/2020.

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.

- 2 Within three months from the date the decision is issued the plans and details of the car parking spaces should be submitted to and approved in writing by the Local Planning Authority and constructed in accordance with approved plans and details. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking space for the use in accordance with policy T SP1 of the Arun Local Plan.

- 3 Within three months of the date of this permission an acoustic assessment shall be undertaken to determine the impact of noise arising from the development site and the results of the assessment and details of any mitigation measures submitted and approved in writing by the Local Planning Authority. Noise from commercial premises should be controlled, such that the noise rating level (L_{Ar},T_r) emitted from the development does not exceed the background noise level (L_{A90},T), by more than 3dB. All measurements shall be defined and derived in accordance with BS 4142:2014. The approved measures shall be implemented within three months of the date of approval of the details by the Local Planning Authority and thereafter be maintained in accordance with the approved details.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Adopted Arun Local Plan 2011 - 2031. This is required to be a pre-commencement condition because it is necessary for the implementation of mitigation measures prior to commencement of the proposed use.

- 4 Within three months of the date of this permission a detailed mitigation and remedial strategy for reptiles shall be submitted to and approved in writing by the Local Planning Authority. Once approved the mitigation measures shall thereafter be implemented in accordance with the timings identified within the survey and maintained at all times unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the ecology of the area, and in the interests of reptiles to ensure that a habitat remains for them during and after development in accordance with policy ENV SP1 of Arun Local Plan. This is required to be pre-commencement condition because it is necessary for the implementation of the mitigation measures prior to commencement of the proposed use.

- 5 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 D DM1, QE DM1 & QE DM3 of the Arun Local Plan and in line with the World Health Organisation definition of night time.

- 6 No waste materials shall be stacked or stored on the site at any time, unless approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with policy D DM1 and QE SP1 of the Arun Local Plan.

- 7 Materials shall not be stacked, stored or deposited on the site to a height exceeding 2.6m.

Reason: To safeguard the visual amenities of the locality in accordance with policy D DM1 of the Arun Local Plan.

- 8 The site shall only be used for the storage of building materials, equipment & plant 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 Local Plan policy D DM1.

- 9 The development shall be carried out in accordance with Ecological Appraisal submitted with this

application.

Reason: In accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 10 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 D DM1, ENV SP1 & QE DM2 of the Arun Local Plan.

- 11 A scheme to show improvements to, and a management plan for, the access road between the site and the adopted highway boundary shall be submitted to the Local Planning Authority within 3 months of the date of the permission. The approved details shall be implemented within 3 months of the approval by the Local Planning Authority. The access road shall be retained in perpetuity in accordance with the management plan.

Reason: In the interests of the amenities of neighbouring properties in accordance with policies D DM1 and QE DM1 of the Arun Local Plan.

- 12 Details of the provision for bat boxes shall be submitted to the Local Planning Authority within three months of the date of this permission. The boxes shall be erected on site within 3 months of the date of approval by the Local Planning Authority and retained in perpetuity.

Reason: In the interests of wildlife in accordance with policies ENV SP1 and ENV DM5 of the Arun Local Plan.

- 13 Within three months of the date of the permission a scheme shall be submitted to control dust from the site. The scheme as approved shall be implemented within three months of the date of the approval of the details and retained in perpetuity.

Reason: In the interests of the amenities of neighbouring residents in accordance with policy D DM1 and QE DM1 of the Arun Local Plan.

INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you

start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

INFORMATIVE: Any lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should 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.

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.



Neil Crowther
Group Head of Planning

Case Officer: Ms M Tomalova

Decision Issued: **4th June 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).