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: BN/50/24/PL

1 **To Addressee**

Pegasus Planning Group Ltd
First Floor, South Wing
Equinox North, Great Park Road
Almondsbury
BS32 4QL

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2 **Site Address**

Land and Buildings East of
28 Barnham Road
Barnham
PO22 0ES

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3 **Description of Development**

Part-demolition and change of use of existing buildings from vacant retail (Class E) to a hot food takeaway (sui generis). Provision of car parking, installation of extraction and ventilation equipment and external alterations including replacement roof and new shopfront. This application is in CIL zone 2 (zero rated) as other development.

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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:

- Location plan 5386-LP-08B
- Block site plan showing parking C5386-BP11 REV. B
- Proposed floor plan C5386-A5-05 D
- Proposed elevations C5386-A5-06 C
- Car / Cycle Parking Plan - C5386-BP11 REV C

Reason: For the avoidance of doubt and in the interests of amenity and the environment in

accordance with Arun Local Plan policy D DM1.

3 Demolition/construction works shall only take place between 08:00 hours and 18:00 hours (Monday to Friday) and between 08:00 hours and 13:00 hours on Saturday with no activities taking place on Sundays or recognised public holidays. In addition to these hours of working, the Local Planning Authority may approve in writing a schedule of activities where it is necessary to conduct works outside the hours specified in this condition.

Reason: To protect the amenity of local residents in accordance with the Arun Local Plan policy QE SP1.

4 Prior to the occupation of any part of the development, full details of all new external lighting, including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage, shall be submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations of the Institute of Lighting Professionals (ILP) 'Guidance Notes for the Reduction of Obtrusive Light' (GN01:2011) and:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging

b) show how and where external lighting will be installed through provision of appropriate lighting contour plans and technical specifications so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior written consent from the Local Planning Authority.

Reason: In the interests of the amenities of the area, the site's biodiversity (particularly in respect of bats), the interests of minimising crime, the interests of road safety and to minimise unnecessary light spillage outside the development site in accordance with Arun Local Plan policies QE SP1, QE DM2, T SP1 and ENV DM5.

5 No plant or equipment associated with the kitchen ventilation and extraction system, shall be operated on the premises except between the hours of 11.00hrs and 23.00hrs. The opening hours of the takeaway are to be 11.00hrs to 23.00hrs.

Reason: To protect the amenity of nearby local residents in accordance with Arun Local Plan policy QE SP1.

6 Other than the delivery of food items sold directly by the proposed take-away business, no industrial, commercial or trade goods shall be loaded, unloaded, or otherwise handled and no associated vehicles shall arrive at or depart from the application site outside the hours of 07:00 and 19:00 Monday to Friday, 08:00 to 18:00 on Saturdays or at any time on Sundays or recognised public holidays.

The applicant should review the Planning Noise Advice Document - Sussex, November 2023: https://www.arun.gov.uk/download.cfm doc=docm93jijm4n19846.pdf&ver=24686.

Reason: To protect the amenity of local residents in accordance with the Arun Local Plan policy QE DM1.

7 The development hereby approved shall not be occupied until all the works which form part of the

scheme for protecting the proposed development from noise as approved by the Local Planning Authority under Philip Acoustics Ltd.'s Noise Assessment for Mechanical Services Plant to Serve a Proposed Change of Use Hot Food Takeaway at Barnham Road, Barnham, West Sussex PO22 0ES (ref.: 24023-002, dated April 2024) have been completed. The approved scheme shall be thereafter maintained in good working order in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

The applicant should review the Planning Noise Advice Document - Sussex, November 2023: https://www.arun.gov.uk/download.cfm?doc=docm93jijm4n19846.pdf&ver=24686.

Reason: To protect the amenity of local residents in accordance with Arun Local Plan policy QE DM1.

8 No part of the development shall be first occupied until the vehicle parking and turning spaces, and covered and secure cycle parking spaces have been constructed in accordance with the Car / Cycle Parking Plan - C5386-BP11 REV C, and the Transport Note 01 (4454) June 2024. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with policy T SP1 of the Arun Local Plan.

9 Deliveries and services must be undertaken within the site, in accordance with the Delivery and Service Management Plan, included within Appendix 1 of the Transport Note 01 (4454) June 2024.

Reason: In the interests of protecting highway safety and amenity in accordance with policy T SP1 of the Arun Local Plan.

10 Any resurfacing of the parking area will be of a permeable construction with a suitable granular subbase that is free of fines.

Reason: In the interests in reducing risk of flooding in accord with W DM2 of the Arun Local Plan.

11 Prior to the commencement of demolition or any other works commencing, a copy of the asbestos register held for the building and where appropriate, any remedial strategy, shall be submitted to and approved in writing by the Local Planning Authority. The demolition should thereafter proceed in accordance with the approved details.

Reason: To protect the amenity of local residents in accordance with the Arun Local Plan policy QE DM4. This is required to be a pre-commencement condition because otherwise there could be a risk to human health including that of neighbouring residents and persons in the vicinity.

Statutory Biodiversity Gain Plan Condition

15 INFORMATIVE: Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is de minimus as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value grater than zero and less than then 5 metres in length of onsite linear habitat.

INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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: No surface water from the approved development will be connected to the public foul sewer.

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 0345 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.



Neil Crowther
Group Head of Planning

Case Officer:	Hannah Kersley	Arun District Council The Arun Civic Centre
Decision Issued:	7th August 2024	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).