



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: EG/57/16/PL

1 To Addressee

Montagu Evans LLP
 5 Bolton Street
 London

W1J 8BA

2 Site Address

Land adjacent to the Croft Practice
 Barnham Road

PO20 3RP

3 Description of Development

Medical centre with pharmacy retail unit & other ancillary uses together with access onto Barnham Road & associated car parking. This application is a Departure from the Development Plan.

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:

Block Plan dwg. 5499 109 Rev C;
 Site Plan dwg. 5499 110 Rev E;
 Site Entrance Plan dwg. 5499 111 Rev D;
 Ground & First Floor Plans dwg. 5499 112;
 Proposed Elevations dwg. 5499 114 Rev A;
 Proposed External Enclosures dwg. 5499 115;
 Roof plan dwg. 5499 113;
 Swept Path Analysis Using a Large Refuse Vehicle dwg. 2016-2889-AT-102;
 Proposed Junction Improvements with 2.4m by 43m Visibility Splay dwg. 2016-2889-DWG-203;
 Landscape Details Sheet 1 of 2 dwg. L90-200 Rev A;
 Landscape Details Sheet 2 of 2 dwg. L90-201 Rev A; and
 Tree Protection plan dwg. 1753 DLA ARB 01.

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 section 3 of the submitted Reptile Survey Report (October 2016), with section 3 of the submitted Ecology Report (July 2016) and with the recommendations of the Councils Ecologist, namely:

(1) Efforts should be made to ensure that site clearance operations, particularly the clearance of dense vegetation should be undertaken in such a manner as to avoid accidental killing and injury of hedgehogs that might be sheltering within the Site. All dense ground vegetation should be cleared by hand outside of the bird nesting period (as described above) and the ground checked by an ecologist to ensure that it is free of hedgehogs before machinery is allowed to break the ground surface. Any hedgehog that is found should be relocated to a safe sheltered part of the northern land area. All cut vegetation should be chipped on site or, preferably, removed from site and not stored in heaps that could prove attractive to hedgehogs for shelter unless the intention is to leave them as permanent habitat piles for wildlife; and

(2) Site clearance should be conducted during the season reptiles are active and the vegetation should be cut down to 10cm prior to any works taking place and then carefully cleared. Any dead wood, or rubble piles should be dismantled by hand and relocated.

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

- 4 Should it prove necessary to clear bird nesting habitat during the bird nesting season, then within 24 hours of such works, a pre-works check for nesting birds should be undertaken by a chartered ecologist. If any active nests are found then all site clearance/demolition activities should cease and an appropriate buffer zone around the nest should be established. This buffer zone should be left intact until it has been confirmed that the young have fledged and the nest is no longer in use.

Reason: To safeguard the ecology of the area, and in the interests of birds in accordance with policies GEN7 and GEN29 of the Arun District Local Plan and the National Planning Policy Framework.

- 5 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 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 GEN7 and GEN9 of the Arun District Council 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.

- 6 Construction of the development shall not commence unless and until details of the proposed means of foul water sewerage disposal has been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The scheme as approved shall be implemented prior to the first occupation of the building and maintained in good working order.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policy GEN9 of the Arun District Council Local Plan.

- 7 No excavation works, changes in levels or introduction of machinery onto the site shall take place unless and until an Arboricultural Method Statement and Tree Protection Plan have been submitted to and approved by the Local Planning Authority. The approved development shall thereafter proceed in accordance with the approved Method Statement and Tree Protection Plan.

Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area. This is required to be a pre-commencement condition because otherwise trees might be harmed by construction works.

- 8 Prior to any demolition or construction works taking place or the introduction of machinery and plant to the site the following issues must be resolved to the complete satisfaction of Arun District Council :-

(1) A pre-commencement site meeting is to take place between the Arun DC Tree Officer and the Arboricultural Consultant representing the site owners - at this meeting all protective fencing will be inspected along with ground protection measures - they will be assessed to verify that they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the submitted Tree Protection Plan required by Condition 07.

(2) If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area. This is required to be a pre-commencement condition because otherwise trees might be harmed by construction works.

- 9 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,

- * the anticipated number, frequency and types of vehicles used during construction;
- * the method of access and routing of vehicles during construction;
- * the parking of vehicles by site operatives and visitors;
- * the loading and unloading of plant, materials and waste;
- * the storage of plant and materials used in construction of the development;
- * the erection and maintenance of security hoarding;
- * 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 Regulation Orders); and
- * details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because construction cannot commence until the management of this aspect has been agreed.

- 10 No development shall commence until such time as revised plans and details incorporating the recommendations given in the Stage 1 Road Safety Audit and accepted in the Designers Response (in particular to problem 2.4.1 - a pedestrian crossing point) have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of highway safety and the amenities of the area in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because it relates to the safe use of the access onto the highway.

- 11 No development other than as required by this condition shall commence until the vehicular access serving the development has been constructed in accordance with the approved planning drawing (Drawing no: 2016-2889-DWG-203).

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun Local Plan and with the National Planning Policy Framework. This is required to be a pre-commencement condition because it relates to the safe use of the access onto the highway.

- 12 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme which takes forward the ecological enhancements detailed within the submitted Landscape Detail Plans (Drawings L90-200 Rev A & L90-201 Rev A) and includes 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 policies GEN7 and GEN29 of the Arun District Local Plan.

- 13 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the proposed surgery building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the surgery building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 14 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.

Reason: To encourage and promote sustainable transport in accordance with policy GEN7 of the Arun Local Plan and with the National Planning Policy Framework.

- 15 No part of the development shall be first occupied until the vehicle turning space has been constructed within the site in accordance with the approved site plan. This space shall thereafter be retained at all times for their designated use.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun Local Plan and with the National Planning Policy Framework.

- 16 No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Barnham Road in accordance with the approved planning drawings (Drawing no: 2016-2889-DWG-203). Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun Local Plan and with the National Planning Policy Framework.

- 17 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun Local Plan and with the National Planning Policy Framework.

- 18 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 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.

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 and the National Planning Policy Framework.

- 19 The development hereby approved shall not normally be used for patients other than between the hours of 7am and 11pm.

Reason: To ensure that the proposed development does not prejudice the amenities of neighbouring residential properties in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 20 Prior to the opening of any part of the approved Medical Centre, a scheme shall be submitted to, and approved in writing by the Local Planning Authority detailing measures to prevent usage of the southern car park after 19:00 hours on Mondays to Sundays. The agreed measures shall thereafter be implemented and unless otherwise agreed in writing with the Local Planning Authority, permanently retained thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of neighbouring residential properties in accordance with Arun District Local Plan policies GEN7 and GEN32.

21 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 that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun District 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: The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.

INFORMATIVE: It is understood that a private treatment system is proposed for foul drainage. This may require an Environmental Permit. The Environmental Permitting Regulations (England and Wales) 2010, cover water discharge activities, groundwater activities, radioactive substances, waste, mining waste and installations. Please see the Environment Agency's website for further information: <http://www.environment-agency.gov.uk/business/topics/permitting/default.aspx>.

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.

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: Drainage Engineers advise that Infiltration rates for soakage structures are to

be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% 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 are also available on request.



Neil Crowther
Group Head of Planning

Case Officer: Mr S Davis

Date of Decision:

3 July 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 public highway (including the placing of skips on highway land).