

Recommendation Report for Planning Permission

REF NO:	LU/276/21/PL
LOCATION:	Fort Road Garage Fort Road East Wick Littlehampton BN17 7QZ
PROPOSAL:	Demolition of existing storage structure, proposed 2 storey commercial building under Class E(g) and Class B8. This application is in CIL Zone 4 (zero rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed building will be sited in the same part of the site as the existing but occupy a larger footprint and will be one storey higher. It will be 8m high on the western side but due to the levels change across the site and the slope of the roof, its eastern side is only 5.5m. The rear elevation is between 5.5 and 6.5m high. The building will have a parapet roof. It is proposed to be clad in trapezoidal coloured insulated metal panels with a flat roof membrane. Rooflights and a solar panel array are shown on the roof. There will be a small warehouse area on the ground floor with a reception, offices and associated facilities in the other areas. Externally, there will be two parking spaces on the west side (with a new dropped kerb access) and three parking spaces to the front with all five backed by a retaining wall. Two further spaces and a delivery/loading area on the east side. Cycle storage racks are indicated to the building front with waste storage at the rear. All hardstanding will be porous paved. No boundary treatment changes proposed. Proposed hours are 7.30am to 6pm Monday to Friday and there will be 9 employees.
SITE AREA	780 square metres.
TOPOGRAPHY	Split level site. The western part site slopes up from the road (to a max of approximately 1m higher) whereas the eastern side is level.
TREES	Two small trees at the rear of the site will need to be felled. There is a larger tree within an adjoining property which may also be affected.
BOUNDARY TREATMENT	Open to the front and west side. Existing timber fencing to the rear and eastern side. The fence is part above a brick wall on the eastern side.

SITE CHARACTERISTICS	Former vehicle repair business including single storey workshop and storage building to west of site, hardstanding and grass bank to remainder.
CHARACTER OF LOCALITY	Industrial and business park with two storey residential to north. Industrial buildings vary in size and materials.

RELEVANT SITE HISTORY

LU/264/17/PL	Extension to existing office unit & storage area	ApproveConditionally 09-02-18
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The approval of LU/264/17/PL allowed for various extensions to create a part two, part three storey building of offices and storage including a third floor south facing balcony. This was not subject to any noise or hours conditions. This permission was commenced in early 2021. The previous motor repair use ceased in 2014.

REPRESENTATIONS

Littlehampton Parish Council raise no objection subject to provision being included to ensure that commercial traffic is directed through the industrial estate & on to the A259 to protect the residential amenity of nearby housing.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. A condition to restrict how vehicles travel to or from the site would be impractical to enforce and/or monitor and therefore would not be appropriate. The most logical way of accessing the A259 would be through the industrial estate to the north west but it may also be necessary to access via the A284 to the east should the former be blocked or subject to heavy traffic. There were also no restrictions of this nature on the former use or the LU/264/17/PL permission and it is unlikely that there are such restrictions on other nearby commercial/industrial uses.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC MINERALS AND WASTE - no objection.

WSCC HIGHWAYS - no objection subject to conditions to secure car parking & turning, cycle parking and a construction management plan. Comment that:

- Adequate visibility is achieved along both sides of Fort Road East and there are no accidents reported near to the site access;
- Delivery vehicles can turn within the parking space provided to the north east of the site;
- There is no provision for refuse vehicles and the bin store is more than 25m from the highway;
- Parking is in line with the requirements;
- The level of employees raises no capacity concerns; and
- Raise a concern about refuse collection arrangements.

ADC ENVIRONMENTAL HEALTH - two responses have been provided which both state no objection subject to conditions but there are some differences with the conditions listed. Those requested are to secure electric vehicle charge points, contamination remediation, a noise assessment, a construction management plan and to control lighting, delivery & construction hours.

ADC DRAINAGE ENGINEERS - no objection. State that due to the scale, location and type of application have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.

COMMENTS ON CONSULTATION RESPONSES:

The applicant has objected to the proposed pre-commencement noise survey condition and so this cannot be imposed. Environmental Health have not provided any further advice following this objection and so the condition has been removed and instead replaced with a condition to control the details of the new roller shutter door (which the applicant suggested as an alternative due to EH raising this as a potential concern). The applicant also objects to any condition which prevents them from operating from 6am, this being due to the fact that the adjacent Biffa Waste Depot is open from 5.30am.

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary;
Waste Consultation Area;
2km of Clymping SSSI;
CIL Zone 4;
Part Flood Zones 2 & 3; and
Greater part of the site is Flood Zone 3 by 2111.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
EMPDM1	EMP DM1 Employment Land: Development Management
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WDM2	W DM2 Flood Risk

[West Sussex Waste Local Plan 2014:](#)

West Sussex Waste W2 Safeguarding Waste
Management Sites

[Littlehampton Neighbourhood Plan 2014 Policy 2](#)

A Spatial Plan for the Town

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Littlehampton Neighbourhood Development Plan is relevant and is considered in this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that the proposed development is appropriate in this built up location and there will be no materially adverse effect on character/visual amenity, residential amenity, biodiversity, the safety of future occupiers from flooding, climate change objectives or on highway safety.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the plan unless material considerations indicate otherwise. The relevant Development Plan policies to this application are contained in the Arun Local Plan (ALP), West Sussex County Council's Waste and Minerals Plan and the Littlehampton Neighbourhood Development Plan ("LNDP").

The site lies in the built up area boundary where development is acceptable in principle in accordance with ALP policy SD SP2 provided it accords with other policies of the development plan covering such issues as flooding, character/design, highway safety/parking, trees, biodiversity, climate change and residential amenity.

Paragraph 123 of the NPPF states local planning authorities should take a positive approach to applications for alternative uses of land which are currently developed but not allocated for a specific purpose in plans. The site is not in the town centre or the wider Littlehampton economic growth area and is not subject to any policy designations. ALP policy EMP DM1 (1) supports the redevelopment and enhancement of existing employment sites and premises. In addition, LNDP policy 2 seeks to concentrate future economic development within the built up area boundary of Littlehampton.

FLOOD RISK:

The site frontage and front of the proposed building are part in current Flood Zones 2 and 3. A greater area of the site would be Flood Zone 3 by 2111 although the majority of the building would remain in Zone 1. The future flood risk assumes no defences and would only occur if existing sea/river defences were not maintained.

ALP policy W DM2 refers to the need to provide a Flood Risk Assessment (FRA), comply with the sequential & exceptions tests and provide mitigation. ALP policy ECC SP1 requires that development be designed to adapt to impacts arising from climate change such as the increased probability of tidal and fluvial flooding.

As per national guidance, this type of development is termed as less vulnerable and is appropriate within flood zones 2 and 3 without the need for an exceptions test but still subject to the sequential test. The risk of future flooding also requires a sequential site assessment in order to demonstrate that there are no reasonably available sites with less flood risk.

However, in this case, the site is already occupied by a light industrial building and there is an extant consent for extensions to create a 2-3 storey building. In the case of a refusal, the fall-back position would still mean a industrial building on the site. The proposed building is also predominantly within an area of the site that is flood zone 1 whilst the upper floor will provide a betterment compared to the existing as it will allow employees to reach safety should unexpected flooding occur.

The applicant has provided a FRA which proposes mitigation measures in the form of minimum floor levels (above 4.53m AOD), flood resilience measures and signing up to the EA Flood Warning & Alert System. The application has not been subject to consultation with the Environment Agency but as these mitigation measures can be conditioned, the proposal does comply with the relevant policy.

MINERALS & WASTE:

The site is located within a defined 500m buffer of a safeguarded waste site defined by the West Sussex Waste Local Plan (2014). Policy W2 of this Plan states that development should not prevent or prejudice the use of an existing waste management site. The waste site in question handles medical waste and is located only a short distance away on Fort Road. WSCC Minerals and Waste raise no concerns with the proximity of the site and as such, there is no impact and no conflict with the policy.

HIGHWAY SAFETY & PARKING:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking. Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes.

The site is located within a short walking distance of Littlehampton town centre and is also within walking or cycling distance of a railway station and areas of existing population. Bus stops are located within 200m of walking distance, along Clun Road.

It is proposed to create a new dropped kerb on the western side of the site and to also reuse the existing access on the eastern side. There are no highway safety concerns with either of these and the highway authority do not raise any concerns with the capacity of the road network to accommodate the use.

The Arun Parking Standards SPD sets out a requirement of 1 car space per 30m² for office uses and 1 car space per 100m² for B8 uses. The building will be predominantly offices but with a storage area at ground floor. The total requirement for the proposal would be 7.6 parking spaces. The SPD also sets out standards for cycle parking and requires at least 3 cycle spaces.

The proposal shows 7 parking spaces and storage racks for 3 cycles. Whilst slightly under the requirements, this is acceptable and it is noted that that there is additional space within the site should an 8th space be required in the future. It is proposed to secure the car and cycle parking through a condition. Level access is achieved from the rear of the property and one of the car parking spaces is shown as a disabled space for an existing member of staff.

Waste provision is indicated within the site. WSCC Highways note that this is more than 25m from the carriageway and are therefore unclear as to how the site can be serviced from the kerbside. However, the commercial bins could be wheeled closer to the road on collection days to facilitate such collection. The Biffa waste collection depot is sited next door so arrangements can easily be made.

The proposal accords with ALP policies T SP1 & T DM1 and the NPPF.

CHARACTER & DESIGN:

ALP policies D SP1 and D DM1 require development make the best possible use of land by reflecting or improving on the character of the site/surrounding area. The Arun Design Guide states that new buildings must be informed by the characteristics of the site and surrounding buildings.

The site is on the edge of an existing industrial area and there are several other similar type uses to the west, east and south of the site. These are all mixed in style and design with some in brick, some in panel cladding and some metalised. As such there is no overriding character other than one of commercial/industrial. There are two storey brick built dwellings immediately to the north but these are

not considered to inform the site's character.

The proposed building design and materials are appropriate to its context and will certainly represent an improvement on what was on the site previously. The proposed building will be higher than the building that was previously approved (and remains capable of implementation) but also has less storeys and no front balcony. The proposed building design is appropriate and complies with the relevant development plan policies and the Arun Design Guide.

RESIDENTIAL AMENITY & NOISE POLLUTION:

ALP policy D DM1 requires there be minimal impact to users/occupiers of nearby property and land. ALP policy QE SP1 requires all development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. ALP policy QE DM1 states new noise generating development should demonstrate there are no suitable alternative locations for the development and provide a noise report.

The application does not include a noise assessment but this is acceptable given that the predominant use of the building is as offices and noise will only occur due to use of the roller shutter door to the storage area on the eastern side and also the associated vehicle movements and loading/unloading. The Council's Environmental Health Officer (EHO) raises no objections subject to conditions including a noise assessment to be undertaken prior to occupation. However, this cannot be imposed due to an objection from the applicant. It is material that the site is adjacent to an existing Biffa waste depot site which is open from 5.30am, that the site is within an area of other light industrial units and that no such condition was imposed on the previous permission.

Storage and distribution uses tend to only create pollution due to deliveries to/from a site. The description of class E(g) uses in the Use Classes Order is a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. Therefore, in principle, light industrial is appropriate near to residential areas. The offices are unlikely to result in any noise disturbance to the nearby houses due to the nature of work undertaken (computing, paperwork, phone calls, meetings) and offices are also a type of use that are appropriate in a residential area.

The rear elevation of the building backs onto residential gardens and the building will be 12m from the edge of a single storey rear extension on the rear of a ground floor maisonette flat associated with 61/63 Clun Road. However, no windows are proposed in the northern elevation of the building therefore there will be no overlooking between it and residential windows.

The new building is also far enough away from the residential dwellings so as not to have an overbearing impact whilst its position due south of the dwellings means that it will not affect light reaching residential windows. The hardstanding area on the eastern side of the building extends right up to the boundary and therefore there is potential for harm from vehicle movements to the existing residential properties. However, this reflects an existing situation and a condition will be imposed to ensure unloading/loading does not take place at unsociable times (albeit that this will be allowed from 6am to align with the applicant's request and noting the earlier opening of the waste depot adjacent).

A condition will also be imposed to require approval of any new lighting on the site in order to ensure that this does not affect residential occupiers and to ensure compliance with ALP policy QE DM2.

In the absence of objection from the EHO being the Council's technical advisers on matters of pollution, it has to be concluded that there is no conflict with relevant policies and a refusal on grounds on residential amenity/noise disturbance would not be sustainable.

TREES:

ALP policy D DM1 states development is expected to incorporate existing and new tree planting as an integral part of proposals. Policy ENV DM4 requires that TPO trees that contribute to local amenity are not damaged or felled unless the developments meets certain criteria.

The proposed building will necessitate the felling of two trees at the rear of the site. The works on the western side of the site may also affect a larger tree located to the immediate north west (but within adjoining land) of the building. The applicant has not provided any tree survey drawings but has instead stated that the trees have been present on all applications for this site back to 2011 and that each officer recommendation report stated that in terms of trees "none of any significance were impacted by the development proposals". In particular, the most recent application ref LU/264/17/PL also required removal of the two trees on the site, was approved in 2018 and site works have commenced.

It is accepted that these trees have not previously been raised as an issue and that there is a permission still capable of implementation which allows the removal of the two trees and for works to potentially affect the other. It is also noted that the Councils Tree Officer has not responded to the consultation request on this application. On this basis, whilst the proposal is in conflict with policies D DM1 and ENV DM4, it would not be sustainable to refuse on this basis. There is no space within the site area to provide new planting and so it would not be appropriate to require a landscaping condition.

BIODIVERSITY:

ALP policy ENV DM5 requires development schemes achieve a net gain in biodiversity. The application is silent on this issue so a condition will be imposed to secure new bird nesting boxes on the rear of the building as this coincides with where the two trees are. The new bird boxes will ensure that there is no conflict with the relevant policy.

CLIMATE CHANGE:

ALP policy ECC SP2 requires all new residential and commercial development including conversions and changes of use be energy efficient and incorporate decentralised, renewable and low carbon energy supply systems. The supporting Design & Access Statement is silent on this policy requirement but the plans do show a solar panel array to the roof. However, a condition will still be required to secure these and to enable assessment by the Council as to whether these alone comply with the policy requirements or whether additional measures are needed.. A condition will also be imposed to require the provision of electric charge points at the site.

SUMMARY:

This proposal is appropriate for this built up location and will not cause demonstrable harm to highway safety, local character, residential amenity, biodiversity or climate change objectives. It will also be safe from any future flooding. There is a policy conflict in respect of the loss of the trees but it is material that their removal has previously been accepted. Therefore, it is recommended that permission be granted in accordance with the following conditions. Whilst not mentioned above, the proposed contamination condition will ensure compliance with ALP policy QE DM4.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun

District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

CIL DETAILS

This application is not CIL Liable.

RECOMMENDATION

APPROVE CONDITIONALLY

- 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, Block Plan and Existing Site Plan dwg 106-PL-100(~);
Proposed Site Plan dwg 2106-PL-155 (B);
Proposed Floor Plans and Section dwg 2106-PL-250 (B); and
Proposed Elevations dwg 2106-PL-350 (A).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1, QE SP1 and T SP1 of the Arun Local Plan.
- 3 The development shall be carried out in accordance with the submitted "Foul & Surface Water Drainage Report and Flood Risk Assessment" by CGS Civils (ref 1622 Rev P, 29/06/21) and the following mitigation measures it details:
 - Finished ground floor levels shall be set no lower than 4.53 above Ordnance Datum (AOD).
 - Flood Resilience Measures shall be incorporated into the fabric of the building in accordance with the Communities and Local Government (CLG) 2007 'Improving the Flood Performance

of New Buildings' publication).

- Occupiers must sign up to the "EA Flood Warning and Alert System" and ensure that a flood evacuation plan is agreed.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To ensure the safety of the development and future occupants in accordance with policy W DM2 of the Arun Local Plan and the National Planning Policy Framework.

- 4 The new building shall be used for classes E(g) and B8 and for no other purpose (including any other purpose in Class E of the Schedule to the Town & Country Planning (Use Classes) (Amendment) (England) Regulations 2020 or any other Statutory Instrument revoking, re-enacting or amending these regulations).

Reason: To enable the Local Planning Authority to maintain control in the interests of the amenities of nearby residential properties and to maintain appropriate parking provision in accordance with Arun Local Plan policies QE SP1, T SP1 and D DM1.

- 5 No construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no work involving power tools or machinery on Sunday or Bank/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 policy QE DM1 of the Arun Local Plan.

- 6 No development shall take place, including any works of demolition, until a Construction Environmental 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:

- a) An indicative programme for carrying out the works;
- b) Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
- c) Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- d) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- e) The anticipated number, frequency and types of vehicles used during construction;
- f) The method of access and routing of vehicles during construction;
- g) The parking of vehicles of site operatives and visitors;
- h) Loading and unloading of plant and materials, including permitted times for deliveries;
- i) Storage of plant and materials used in constructing the development;
- j) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- k) 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 Regulations Orders);
- l) Measures to control the emission of dust and dirt during construction;

m) A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted.

Reason: In the interests of highway safety and the amenities of the area in accordance with policies TSP1 and QE SP1 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to have the construction site set-up agreed prior to access by construction staff.

7 Prior to the commencement of new development works (but excluding demolition) the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. Based on the agreed "Preliminary Ground Contamination Risk Assessment Report" (report ref R14930) and the "Quantitative Ground Contamination Risk Assessment" (report ref R15030) both by Ashdown Site Investigation Ltd, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

2. A Verification Report providing details of the data that will be collected in order to demonstrate that the works set out in (1) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The verification report shall demonstrate completion of the works set out in the approved remediation strategy and shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report, and for the reporting of this in writing to the Local Planning Authority.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

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 Local Plan policies QE SP1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

8 No development above damp proof course (DPC) level shall take place unless and until full details of the proposed roller shutter door including manufacturers details and its noise rating have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that noise from the use of this door does not give rise to harm to the amenities of occupiers of adjacent properties in accordance with Arun Local Plan policies QE SP1 and QE DM1.

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and the character & appearance of the area in accordance with

policy D DM1 of the Arun Local Plan.

- 10 No development above damp-proof course (DPC) level shall take place unless and until the applicant has submitted a scheme for approval in writing by the Local Planning Authority to demonstrate that the development will achieve energy efficiency measures that reflect the current standards applicable at the time of submission and incorporate decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of any part of the building and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: In order to secure a reduction in the use of energy at the site in accordance with national planning policy and policy ECC SP2 of the Arun Local Plan.

- 11 No commercial goods shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart, within the application site outside the hours 06:00 to 19:00 Monday to Friday, 08:00 to 18:00 Saturday or at any time on Sunday or Public or Bank Holidays.

Reason: To protect the amenity of local residents in accordance with policies QE DM1 and QE SP1 of the Arun Local Plan.

- 12 Prior to first use of the proposed development, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the parking spaces associated with the use shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition. The current standards require EV charging points in 20% of parking spaces (rising to 30% in 2023).

Reason: New petrol and diesel cars/vans will not be sold beyond 2030, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework (NPPF).

- 13 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the plans and details submitted to and approved by the Local Planning Authority. These spaces shall thereafter be retained for their designated use.

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

- 14 No part of the building shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The details so approved shall be maintained in perpetuity.

Reason: To provide alternative travel options to the use of the car for employees in accordance with Arun Local Plan policy T SP1 and the Arun Parking Standards SPD.

- 15 No part of the development shall be first occupied until full details of the placement of two bird boxes on the rear of the building have been submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented in full prior to occupation and thereafter retained to the satisfaction of the Local Planning Authority.

Reason: In the interests of securing biodiversity net gain in accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 16 There shall be no open storage of materials, finished or unfinished products/parts, crates,

packing materials or waste in the site unless otherwise approved in writing by the Local Planning Authority.

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

- 17 No external lighting shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, fully assessed by a competent individual when operational to ensure no light creep/or bleed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area and local residents from light pollution in accordance with policies QE SP1 and QE DM2 of the Arun Local Plan.

- 18 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

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 Local Plan policies QE SP1 and QE DM4.

- 19 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.
- 20 INFORMATIVE: The applicant is advised to enter into an S278 legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. As part of these works it will also be necessary to apply for a street works license from the Street Works team (street.works@westsussex.gov.uk). The applicant is requested to contact the Implementation Team Leader (01243 642105) to commence the S278 process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 21 INFORMATIVE: The Environment Agency strongly recommend the use of flood resistance & resilience measures. Physical barriers, raised electrical fittings & special construction materials are just some of the ways you can help reduce flood damage. To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. The following

document may also be useful:

<https://www.gov.uk/government/publications/flood-resilient-construction-of-newbuildings>.

- 22 INFORMATIVE: The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up. For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-forflooding>. To get help during a flood, visit <https://www.gov.uk/help-during-flood>. For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.
- 23 INFORMATIVE: The applicant's attention is drawn to the requirements of the Environmental Protection Act 1990 and the Clean Air Act 1993 with regard to burning on site. A statutory nuisance may be caused by smoke and ash from fires or noise from the cutting or chipping trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should also be contacted regarding Exemption Permits to burn on site.
- 24 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should be substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information, please contact the Environmental Health Department on 01903 737755
- 25 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.
- 26 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.