

DECISION NOTICE

Application Ref: LU/276/21/PL

1 To Addressee

Cityzen Ltd
Maritime House
Basin Road North
Hove
BN41 1WR

2 Site Address

Fort Road Garage
Fort Road East
Wick
Littlehampton
BN17 7QZ

3 Description of Development

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.

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, 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.

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.

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.

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>.

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>.

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.

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

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 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: Mr S Davis

Decision Issued: **3rd December 2021**

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).