



Town & Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management
Procedure) (England) Order 2010 (as amended)
Application for Planning Permission
DECISION NOTICE

Application Ref: LU/307/12/

1 To Addressee

Peacock & Smith Ltd
 Second Floor
 1 Naoroji Street
 London
 WC1X 0GB

2 Site Address

Former Body Shop HQ
 Morrisons

BN17 7LR

3 Description of Development

Application for variation of condition 15 imposed under planning approval LU/271/11/ to vary delivery, loading or unloading times

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 compliance with the conditions specified.

- 1 The development hereby approved shall be carried out in accordance with the following approved plans:
 - PO-100 Site Plan Existing
 - PO-101 Site Plan Proposed
 - PO-110 Site Plan Landscaping Existing
 - PO-111 Site Plan landscaping existing and proposed trees
 - P1-110 Morrisons Ground Floor Plan
 - P1-111 Morrisons First Floor Plan
 - P1-112 Morrisons Roof Plan
 - P1-120 Enterprise Hub Ground Floor Plan
 - P1-121 Enterprise Hub First Floor Plan
 - P2-101 Morrisons Sections
 - P3-103 Enterprise Hub Elevations
 - P(000)09 Proposed Elevations
 - P(000)10 Proposed Entrance Tower Amendment
 - P(000)01 Rev B- Proposed Site Plan
 - P(000)20 Rev A- Proposed PFS Layout
 - P(000)21 - Proposed PFS Elevations

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 of the Arun District Local Plan.
- 2 Prior to first use of the food retail store hereby approved, the Enterprise Hub element of the scheme shall be completed and made available for its intended purposes for lease or rent by suitable businesses.

Reason: To accord with the stated intentions of the submitted Design and Access Statement in accordance with Policy GEN7 of the Arun District Local Plan.
- 3 The gross floorspace of the food retail store hereby approved shall not exceed 4744 square metres. The net retail sales area (defined by the National Retail Planning Forum, and reproduced in Appendix A of the PPS4 Practice Guide, 2009) to be used for the sale of convenience goods at the food retail store shall not exceed 1,980 square metres and the comparison goods net sales area at the store shall not exceed 348 square metres.

Other than the mezzanine floors included in Drawing No p1-111, no mezzanine floors are to be inserted in any part of the building, retail floorspace or non-retail floorspace areas, whatsoever, without the prior approval of the Local Planning Authority.

Reason: To accord with the stated intentions of the submitted Design and Access Statement, and the submitted Retail Impact Assessment in accordance with paragraph 23 to 27 of the NPPF.
- 4
 - a) The means of vehicular access to the foodstore development, including access to the service yard shall be from the A259 only.
 - b) There shall be no means of vehicular access, except for emergency vehicles, to the foodstore/service yard from Courtwick Lane

REASON: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan

- 5 a) The means of vehicular access to the Enterprise Hub development shall be from Courtwick Lane only.
b) There shall be no means of vehicular access, except for emergency vehicles, to the Enterprise Hub from the A259.

REASON: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan

- 6 The buildings shall not be occupied until the parking spaces, and turning facilities shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policy GEN7 of the Arun District Local Plan.

- 7 A detailed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the use of the food retail store and Enterprise Hub hereby permitted. The initiatives and timescales contained within the Travel Plan shall be implemented as approved.

REASON: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan

- 8 The proposed sales area of the Petrol Filling Station as shown on the submitted drawing P(000)20 Rev A- Proposed PFS Layout, shall be restricted to 42 square metres and no more than 90% of the sales area shall be dedicated to the sale of convenience goods. Furthermore, the range of convenience goods shall be restricted to confectionery, magazines, tobacco, soft drinks, fresh foods (limited to milk, sandwiches and snacks)

Reason: For the avoidance of doubt and to accord with the stated intentions of the submitted Retail Impact Assessment and to safeguard to vitality and viability of Wick Centre and Littlehampton Town centre in accordance with the provisions of the NPPF and policy DEV26 and DEV27 of the Arun District Local Plan.

- 9 The petrol filling station shall not be brought into use until the forecourt has been laid out and surfaced in accordance with details approved by the Local Planning Authority and the forecourt shall thereafter be kept free from any displays of vehicles or goods, obstructions, erections and structures other than the pump installations.

REASON: In the interests of residential amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 10 No deliveries, loading or unloading shall take place outside the hours 06.00 to 23.00 for the Foodstore or the Petrol Filling Station hereby approved.

Reason: To safeguard the residential amenity of the neighbouring properties in accordance with Arun District Local Plan policies GEN7, GEN32, GEN33 and GEN34.

- 11 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, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.
- Reason: The site lies on the upper Chalk, a principal aquifer. Appropriate assessment of the former contaminative uses on site need to be undertaken and risk assessed so that future pollution of surface water and groundwater can be mitigated in accordance with the NPPF.
- 12 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
- Reason: The site lies on the upper Chalk, a principal aquifer. Appropriate assessment of the former contaminative uses on site need to be undertaken and risk assessed so that future pollution of surface water and groundwater can be mitigated in accordance with the NPPF.
- 13 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (Upton McGougan - September 2011) and the following mitigation measures detailed within the FRA shall be implemented prior to the first use of the food retail store hereby approved:
1. Limiting the surface water run-off generated by the 1 in 100 year flood event plus climate change critical storm, so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
 2. Identification of overland flood flow routes from any surcharged systems
- Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with the NPPF.
- 14 **INFORMATIVE**
If it is the applicant's intention to carry out any of the roadworks included in the application so that they affect maintainable highways, permission under the Town and Country Planning Act should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 278 of the Highways Act 1980.
- 15 **INFORMATIVE**
The permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.
- 16 **INFORMATIVE**
A fee may be charged for input to, and future monitoring of, any Travel Plan

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INFORMATIVE

The applicant is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment

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INFORMATIVE

A formal application for connection to the public sewerage system is required in order to service this development, please contact Atkins Ltd, Anglo St James House, 39a Southgate Street, Winchester, SO23 9EH (Tel 01962 858688)

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INFORMATIVE:

Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that (the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character)and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN7, GEN18, DEV26, DEV27, GEN32, GEN33, GEN34

Regional Spatial Strategy for the South-East: SEPCC1, SEPCC2, SEPCC4, SEPCC6, SEPT4, SEPRN1, SEPRN11

NATIONAL POLICIES: National Planning Policy Framework

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

INFORMATIVE: The list of approved plans as set out in Condition 1 above should be read in conjunction with applications LU/178/12/NMA; LU/215/12/MMA; LU/226/12/MMA; and LU/314/12/NMA.



Karl Roberts
Assistant Director Planning & Economic Regeneration

Case Officer: Mr C Cronin

Date of Decision:

14 February 2013

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

NOTES RELATING TO PLANNING APPLICATION
TOWN AND COUNTRY PLANNING ACT 1990

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 First 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, if you want to appeal against your local planning authority's decision on your application, 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 if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in case of a householder appeal) of the date of this notice, whichever period expires earlier.

If you want to appeal, then you must do so within 6 months of the date of this notice using a form which you can get from the Secretary of State, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or on line at www.planningportal.gov.uk/pes

The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him 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.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

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).