

DECISION NOTICE

Application Ref: M/99/21/PL

1 To Addressee

Strutt and Parker
201 High Street
Lewes
BN7 2NR

2 Site Address

Guernsey Farm
Yapton Road
Middleton-On-Sea
PO22 6DY

3 Description of Development

Change of use of existing farm shop and agricultural buildings to light industrial (Class E(g)) and storage and distribution use (Class B8). This site is in CIL zone 5 (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;
2056-P01 Block Plan (March 2021);
2056-P08 Proposed Ground Floor Plan (March 2021);
2056-P10 Proposed Elevations 1 (March 2021);
2056-P11 Proposed Elevations 2 (March 2021);
2056-P12 Proposed Elevations 3 (March 2021);
2056-P13 Proposed Elevations 4 (March 2021); and
2056-P09 Proposed Roof Plans (March 2021).

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

accordance with policies EMP DM1 and D DM1 of the Arun Local Plan.

- 3 The buildings shall be used for class E(g) light industrial and class B8 storage & distribution only 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 given the location of the site in the countryside and a strategic gap in accordance with Arun Local Plan policies QE SP1, C SP1 and SD SP3.

- 4 Hours of operation of (and deliveries to/from) the class E(g) and B8 units shall be restricted to between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no work on Sunday or Bank Holidays.

Reason: In the interests of the amenities of nearby residential properties in accordance with Arun Local Plan policies QE SP1 and QE DM1.

- 5 No part of the development shall be first occupied until full details of the proposed enhancement of the existing boundary hedgerows and tree lines (in line with the recommendation of section 6.1 of the preliminary Ecological Appraisal Report (ref LLD2261-ECO-REP-001-01) have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details in both plan and list form.

The approved details of the hedgerow/tree line enhancements 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: Bats use the hedgerows and tree lines for foraging and commuting and therefore in the interests of securing biodiversity net gain in accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 6 No part of the development shall be first occupied until full details of the placement of bird, bat and hedgehog nesting facilities within the site 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. The submission shall include:

- At least 1 bat box on the buildings facing south/south westerly and positioned 3-5m above ground;
- At least 1 bird box on a building and/or on a tree within the site; and
- At least 1 hedgehog nesting box within the wider site area.

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

- 7 No part of the development shall be first occupied until plans have been provided for approval in writing by the Local Planning Authority to show the location of at least 13 parking spaces within the site area. The approved spaces shall then be laid out within the site prior to occupation and thereafter retained at all times for their designated purpose.

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

- 8 Prior to the occupation of any of the buildings, 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, diesel and hybrid 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 Parking Standards SPD and the National Planning Policy Framework.

- 9 No part of the development shall be first occupied until covered and secure cycle parking spaces (8 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.

- 10 Should any new external lighting be required then prior to new occupation of any of the buildings, details including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage shall be submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) but also minimise potential impacts to any bats using the trees and hedgerows surrounding the buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting as approved shall be installed prior to occupation and 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), the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with policies QE SP1, QE DM2 & ENV DM5 of the Arun Local Plan.

- 11 There shall be no open storage of materials, finished or unfinished products or parts, crates, packing materials or waste stored in the area of the site that is between Yapton Road and a line drawn from the front of Newlands along the front of Building 1 (the former farm shop) and to the southern boundary unless otherwise approved in writing by the Local Planning Authority.

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

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.



Neil Crowther
Group Head of Planning

Case Officer: Mr S Davis

Decision Issued: **24th November 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).