

TOWN AND COUNTRY PLANNING ACT 1990



DECISION NOTICE

Application Ref: P/79/11/

1 To Addressee

Kingsbridge Estates
The Courtyard
Vinnetrow Business Park
Vinnetrow Road
Chichester
PO20 0QH

2 Site Address

Park Farm
Lower Bognor Road
Lagness

3 Description of Development

Renewal of unimplemented planning consent P/5/08 for new commercial plant nursery at Park Farm, Lagness. (This application is subject to an Environmental Impact Assessment).

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 plan and subject to compliance with the conditions specified.

CONDITION 1 The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

CONDITION 2 The development hereby approved shall be carried out in accordance with the following approved plans drawings 101 rev F, 104 rev A, 105 rev A all submitted on 9th January 2008 under planning reference P/5/08

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN 7 of the Arun District Local Plan.

CONDITION 3 Development shall not commence until drainage works have been carried out in accordance with details to be submitted to and approved by the Local Planning Authority.

Infiltration rates for soakaways and SUDS systems are to be based on tests undertaken over the wetter winter period. The design should be based on BRE 365, and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the highest recorded groundwater table. It must also have provision to ensure that there is capacity in the system to contain below the lowest ground level the 1 in 100 year event plus 30% on stored volumes.

Any Sustainable Urban Drainage Scheme (SUDS) or soakaway design must include 12 months of groundwater monitoring data to determine the typically highest annual groundwater table in support of the design.

Reason: To ensure that the development is satisfactorily drained and to ensure that if the reservoir is full overflow a controlled overflow to Greenfield runoff rates will mitigate against causing flooding elsewhere and in accordance with policies GEN7, GEN9 of the Arun District Local Plan.

CONDITION 4 No development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roof of the proposed office building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

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

CONDITION 5 No development shall take place unless and until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping/hard and soft/, which shall include indication of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. These landscaping details should address retention and enhancement of the ecological connectivity of the site, and include appropriate ecological enhancements, ideally in combination with the use of sustainable drainage designs such as wet grass swales, ponds and wetland areas, designed with wildlife in mind.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

CONDITION 6 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons 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 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

CONDITION 7 No development including site access, demolition or associated construction activities, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on the site have been protected by a fence in accordance with BS5837 (2005) and Section 9, to be approved by the Local Planning Authority for erection around each tree, group of trees and vegetation to a distance of 15m or to the Root Protection Area (RPA) as calculated in accordance with Table 2 of BS5837 (2005) to be agreed in writing by the Local Planning Authority. Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of top soil unless agreed by the Local Planning authority. There must be no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without prior written approval of the Local Planning Authority.

No trenching should occur within the protective fencing surrounding the Root Protection Area. If however there is no alternative but to locate the services then its encroachment into the Root Protection Area must be kept to a minimum and where the roots should be exposed using compressed air technology, such as the air spade to reduce damage caused by mechanical methods. If roots requiring severance to allow for the passage of services is necessary then an arboriculturist would be required to assess and determine whether the loss of the roots would be detrimental to the continued health and stability of the affected tree.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan.

CONDITION 8 Written details of any internal or external lighting/floodlighting to the glasshouses shall be submitted to and approved in writing by the Local Planning Authority before they are installed at any time. Development shall be carried out in accordance with the approved details.

Reason: To safeguard the amenities of the area in accordance with policies GEN7, GEN33 of the Arun District Local Plan.

CONDITION 9 Details of an Ecological Construction Method Statement in line with the Environmental Statement shall be submitted to and approved in writing by the local planning authority before the development is commenced.

Reason: In the interests of nature conservation in accordance with policy GEN29 of the Arun District Local Plan.

CONDITION 10 No development approved by this permission shall be commenced until a scheme for disposal of surface water including the provision and implementation of a surface water regulation system has been approved by and implemented to the satisfaction of the local planning authority.

Reason: To prevent the increased risk of flooding in accordance with policy GEN11 of the Arun District Local Plan.

- CONDITION 11 No development or construction-related works (including driving of heavy machinery or depositing/storing of any materials) shall occur within 5 metres of the top of the bank of the watercourses on site. Before any work begins on site, including vegetation clearance, a temporary fence should be erected 5 metres from the top of the stream banks, to prevent damage to this area during development. Upon completion of works, the fence should be removed, and the area incorporated into the overall landscape strategy for the site as a naturally vegetated buffer area.

Reason: The retention of a functioning, undisturbed watercourse channel is an essential requirement for the preservation of water corridor wildlife habitat and makes allowance for future watercourse migration, maintenance, improvement, and minor flood flows. When allowed to vegetate naturally, these areas provide an essential buffer to the watercourse from the effects of pollution and litter, and can create areas of ecological value and amenity benefit. In accordance with policy GEN11 of the Arun District Local Plan.

- CONDITION 12 An archaeological investigation of the site shall be carried out at the expense of the developer in accordance with a specification to be submitted to and agreed by the Local Planning Authority in writing before the commencement of any building works.

Reason: The site is of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development in accordance with policy AREA 17 of the Arun District Local Plan.

- CONDITION 13 Before the occupation of any building hereby permitted, full details of the following shall be submitted to and approved in writing by the local planning authority at the junction of Lower Bognor Road/Pagham Road:-

- a) the proposed trimming back/removal of the evergreen hedge
- b) the trimming back of vegetation within visibility splays
- c) the increase of the high friction surfacing northwards from the junction on the Pagham Road
- d) the installation of verge marker posts
- e) the installation of an advanced warning sign of "Junction Left" within the eastern verge area north of the preceding bend

All works shall be carried out in accordance with the agreed specifications before the buildings are occupied.

Reason: In the interests of highway safety in accordance with policy GEN7 of the Arun District Local Plan.

- CONDITION 14 A Travel Plan shall be submitted to and approved in writing by the local planning authority before development is commenced.

Reason: To ensure that the need to travel is minimised in accordance with policy PPG 13 Transport.

- CONDITION 15 The buildings shall not be occupied until the parking spaces 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 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.

CONDITION 16 The use of any land for car parking shall not be commenced until it has been laid out, surfaced and drained and such land shall not be used thereafter for any purpose other than the parking of vehicles.

Reason: To ensure a satisfactory standard of development in accordance with policy GEN7 of the Arun District Local Plan.

CONDITION 17 The access from the site to the public highway shall be designed, laid out and constructed with kerb radii, visibility splays and sight lines in all respects in accordance with plans and details to be submitted to and approved by the Local Planning Authority before any other operation or use authorised by this permission is commenced.

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

CONDITION 18 The buildings hereby permitted shall not be occupied until provision has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority to prevent surface water discharging onto the public highway.

Reason: In the interests of road safety and to accord with approved policy in accordance with policy GEN7 of the Arun District Local Plan.

CONDITION 19 The proposed new road shall be laid out to include visibility splay lines at both sides of its junction with Lower Bognor Road. These splay areas are to be defined by:-

(i) A line 2.4 metres long measured along the centre line of the proposed estate road from the line of the nearer edge of the carriageway of Lower Bognor Road.

(ii) A line 120 metres long measured along the nearer edge of the carriageway of Lower Bognor Road from its intersection with the centre line of the proposed road.

(iii) The straight line joining the termination of the above lines.

No other work shall be carried out on the site until the above-mentioned splay areas have been provided and thereafter these said splay areas shall be kept free from any obstruction over 0.6 metres above the level of the carriageway of Lower Bognor Road.

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

CONDITION 20 No work shall be carried out on the site unless and until an effective vehicle wheel-cleaning facility has been installed in accordance with details approved by the Local Planning Authority and such facility shall be retained in working order and operated throughout the period of work on the site to ensure that vehicles do not leave the site carrying earth and mud on their wheels in a quantity which causes a nuisance or hazard on the road system in the locality.

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

INFORMATIVE: The applicant is advised to enter into a Section 38/278 (111) legal agreement with West Sussex County Council, as Highway Authority, to cover the realignment of the Lower Bognor Road and new development junction. The applicant is requested to contact the Implementation Team Leader, West Sussex County Council, County Hall, Chichester, West Sussex, PO19 1RQ (tel 01243 642105)

INFORMATIVE: Please note that all works relating to crossing the watercourse will require the prior consent of the Environment Agency under Section 23 of the Land Drainage Act 1991.

INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

INFORMATIVE:

Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

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 the visual amenity of the surrounding area and its character, or highway safety and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

SOUTH EAST PLAN: C4

LOCAL PLAN: GEN3, GEN7, GEN9, GEN11, GEN12, GEN27, GEN29, GEN33, AREA10, AREA17, DEV3

NATIONAL POLICIES: PPS1, PPS7, PPG13, PPG16, PPS23, PPS25

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.

Head of Planning Services
Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

Case Officer: Mrs S Leeson

Date of Decision:

20th March 2012

Date Decision Issued:

20th March 2012



Karl Roberts
Assistant Director Planning Services &
Housing Strategy

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/pcs

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).