

DECISION NOTICE

Application Ref: WA/20/22/PL

1 To Addressee

Douglas Briggs Partnership
Flint Barns, Ham Farm
Main Road
Bosham
Chichester
PO18 8EH

2 Site Address

Fleurie Lake Lane (former Star Plants Nursery)
Lake Lane
Barnham
PO22 0AL

3 Description of Development

Variation of condition 2 imposed under WA/75/20/PL relating to approved plans.

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 (29th January 2021) of permission under WA/75/20/PL.

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 - 1120-001-RevE, 1120-002RevM, 1120-004C, 1120-005C, 1120-011RevC, 1120-002-Phase 1, 1120-002-Phase 2a and 1120-002-Phase 2b.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies HOR SP1 and D DM1 of the Arun Local Plan.

- 3 Development shall not be brought into use until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar

approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 4 Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained and in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 5 Development shall not be brought into use until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport and in accordance with policies T SP1 and D DM1 of the Arun Local Plan.

- 6 Prior to the use of any external lighting in association with the development hereby permitted, details shall be submitted to the Local Planning Authority for approval. The details shall comply with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E. Once provided, the lighting shall be undertaken in accordance with these approved details at all times thereafter, unless otherwise agreed with the Local Planning Authority, in writing.

Reason: To control the residential amenities of the local environment and to fulfil the dark skies initiative in accordance with Arun Local Plan policies HOR DM1, QE SP1, QE DM2 and D DM1.

- 7 Development shall not be brought into use until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding/, to improve and protect water quality/, improve habitat and amenity/, and ensure future maintenance of these/ in accordance with Arun Local Plan Policies WSP 1, W DM1, W DM2 & W DM3. It is considered necessary for this to be a pre-commencement condition because the site drainage needs to be approved and implemented before the dwellings are occupied.

- 8 The removal of trees, vegetation and hedging shall be undertaken outside of the bird nesting season (01 March - 01 October) only. Should works be required within this season then an

suitably qualified ecologist shall check the areas of clearance 24 hours prior to any works taking place.

Reason: In the interests of protection of nesting birds in accordance with policy ENV DM4 of the Arun Local Plan.

- 9 Notwithstanding the approval of this permission, the works to be undertaken for Condition 9 of WA/75/20/PL which have been discharged under WA/16/21/DOC must be implemented in accordance with the details approved under WA/16/21/DOC.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun Local Plan.

- 10 Landscaping (hard and soft) shall be carried out in accordance with the details approved by condition 9 of this consent. All planting, seeding or turfing comprised in the approved details 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 D DM1 and ENV DM4 of the Arun Local Plan.

- 11 Notwithstanding the approval of this permission, the works to be undertaken for Condition 11 of WA/75/20/PL which have been discharged under WA/16/21/DOC must be implemented in accordance with details approved under WA/16/21/DOC.

Reason: In the interests of protecting habitats and species in accordance with policy ENV SP1 of the Arun Local Plan.

- 12 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

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

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: The applicant's attention is drawn to the presence of Water Voles which are found on the site. Separate legislation covers the protection of these species and the applicant should be aware of these separate requirements at all times when implementing this consent.

INFORMATIVE: The applicant's attention is drawn to the presence of nesting birds on the site which have been identified in the Ecological Appraisals undertaken on the site. The Wildlife and Countryside Act 1981 covers the protection of birds and wildlife and the applicant should be aware of these separate requirements at all times when implementing this consent.



Neil Crowther
Group Head of Planning

Case Officer: Obafemi Okusipe

Decision Issued: **3rd May 2022**

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).