Site Address: Lancing Manor Filling Station, Old Shoreham Road, LANCING, BN15 0QS

Appeal by Kato Holdings Ltd

Planning Inspectorate reference: APP/Y3805/W/16/3143400

LPA reference: AWDM/1128/14

List of Suggested Conditions Should the Appeal be Allowed

1. Details of appearance and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

   Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.

   The development hereby permitted shall not begin later than two years from the date of approval of the last of the reserved matters to be approved.

   Reason: To enable the Local Planning Authority to control the development in detail and to comply with section 92 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plan, in so far as it relates to access, layout and scale only:-

   Drawing No 2013/32/01 B Title: Proposed Site Plan and Site Sections
   Date received 20 August 2014

   Drawing No. 201A Title Drainage Layout
   Date received 23 September 2015

   Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority plans and details of the positions, design, materials and types of boundary treatment (including acoustic fences) to be erected. The boundary treatment (including acoustic fences) shall be completed in accordance with the approved details before the buildings are occupied. Thereafter the approved boundary treatment shall be retained permanently.

   Reason: In the interests of visual amenity having regard to saved policy AH2 of the Adur District Local Plan.

4. The dwellings shall not be occupied until the car parking spaces and access facilities shown on the submitted plans have been provided in accordance with construction details to be submitted to and approved in writing by the Local Planning Authority. The areas of land so provided shall not thereafter be used for any purpose other than access and parking of vehicles incidental to the use of the proposed dwellings.

   Reason: In the interests of amenity and highway safety.

5. Secure, covered cycle parking shall be provided within the curtilage of the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development hereby approved. Such approved cycle facilities shall be provided on the site prior to commencement of use of the dwellings hereby approved and shall thereafter be retained permanently solely for such purposes.

   Reason: To encourage and provide for a sustainable non-car mode of transport.

6. No development shall be commenced until a scheme for the provision and implementation of foul drainage works has been submitted to and approved in writing by the Local Planning Authority. These drainage works shall be completed in accordance with the details and timetable approved by the Local Planning Authority and no dwellings occupied prior to completion of the works.

   Reason: To prevent pollution of the water environment by ensuring the necessary infrastructure is in place, in compliance with saved policy AG3 of the Adur District Local Plan.

7. No construction works including site preparation or clearance shall be undertaken until such time as the surface water drainage outfall pipework has been located, has been proven to be capable of accommodating surface water flows from the development, allowing for climate change for its lifetime, or has been repaired as necessary to make it capable of accommodating surface water flows from the development, allowing for climate change for its lifetime, to the satisfaction of the Local Planning Authority. The proposed surface water drainage scheme as shown on the submitted plans shall thereafter be completed in accordance with the submitted details before any dwelling is occupied.
   Reason: To prevent pollution of controlled waters and ensure that the proposed development has adequate surface water drainage to prevent flooding in the locality.

8. No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft and hard landscaping, which shall include indications of all existing trees and hedgerows on the land and details of those to be retained, together with measures for their protection in the course of development. 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. The approved details of hard landscaping shall be completed prior to occupation of the buildings.

   Reason: In the interests of visual amenity and the environment and to comply with saved policies AB25-27 of the Adur District Local Plan.

9. No development shall be carried out unless and until a schedule of materials and finishes to be used for the external walls (including windows and doors) and roofs of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved schedule.

   Reason: In the interests of visual amenity and to comply with saved policy AH2 of the Adur District Local Plan.

10. No work in connection with the construction of the development hereby approved shall take place other than between the hours of 08:00 and 18:00 Monday to Friday and 08:30 and 13:00 on Saturday; with no working on Sundays or on Bank or Public Holidays.

    Reason: To safeguard residential amenities having regard to saved policy AH2 of the Adur District Local Plan.

11. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Method Statement and shall be adhered to throughout the construction period. The Statement shall provide for:-
    (i) the parking of vehicles of site operatives and visitors;
    (ii) loading and unloading of plant and materials;
    (iii) storage of plant and materials used in constructing the development;
    (iv) the erection and maintenance of security hoarding;
    (v) wheel-washing facilities;
    (vi) measures to control the emission of dust and dirt during construction; and
    (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

    Reason: In the interests of highway safety and amenity.

12. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification), the proposed dwellings shall not be extended or altered by means of any development as set out within Classes A, B, C, D and E of Part 1 of the Schedule to that Order.

    Reason: In the interests of amenity and the environment having regard to the nature of the site and saved policy AH2 of the Adur District Local Plan.

13. No development, including any site clearance, shall take place until the following components of a scheme to deal with the risks associated with contamination of the site have each been submitted to and approved in writing by the Local Planning Authority:-

    (1) A preliminary risk assessment which has identified:-
    - all previous uses;
    - potential contaminants associated with those uses;
    - a conceptual model of the site indicating sources, pathways and receptors; and
    - potentially unacceptable risks arising from contamination at the site.

    (2) A site investigation scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

    (3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

    (4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for

longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any work on site, including site clearance, a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report 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. It shall also include any plan (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 plan, and for the reporting of this to the Local Planning Authority.

Reason: To prevent pollution of groundwater and in the interests of environmental protection and public health and safety, in compliance with the National Planning Policy Framework.

14. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report 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. It shall also include any plan (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 plan. The long-term monitoring and maintenance plan shall be implemented as approved.

    Reason: To ensure that any remediation, if deemed necessary is satisfactorily completed, in the interests of public health and the protection of groundwater from pollution.

15. If, during development, any visibly 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, then, unless otherwise agreed in writing with the Local Planning Authority, no further development shall be carried out until it has been investigated by the developer. 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 is proposed to be dealt with shall be submitted to and approved in writing by the Local Planning Authority and shall then be implemented as approved within an approved time period contained in the method statement.

    Reason: To prevent pollution of groundwater and in the interests of environmental protection and public health and safety.

16. No infiltration of surface water drainage into the ground is 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 controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To ensure that surface water drainage from the proposed development does not result in a deterioration of groundwater quality in accordance with the principles of the National Planning Policy Framework.

17. No piling of foundations shall be undertaken at any time during the course of the development.

    Reason: To prevent the risk of pollution of controlled waters having regard to the National Planning Policy Framework.

18. The development hereby permitted shall not be commenced until a scheme for protecting the proposed dwellings from road traffic noise has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be in accordance with the recommendations of the Noise Assessment carried out by Acoustic Associates Sussex Ltd dated 18/06/2014, shall include a whole house ventilation system and shall be completed before the permitted dwellings are occupied.

    Reason: In the interests of residential amenity and to comply with the National Planning Policy Framework.

19. The development hereby permitted shall only be carried out in accordance with the submitted Flood Risk Assessment and the following mitigation measures contained within it:-

    - The finished floor level of the habitable accommodation shall be set no lower than 4.32 metres above Ordnance Datum (AOD).

    Reason: To reduce risk of flooding and in the interests of the safety of the occupants having regard to the National Planning Policy Framework.

20. No buildings on the site shall be occupied until the associated facilities for storing refuse and waste, including for waste that can be recycled, have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

    Reason: In the interests of amenity.