Adur District Council

Development Management

Mr Chris Tookey
RPS Planning & Development
Park House
Greyfriars Road
Cardiff
CF10 3AF

PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (AMENDMENT) (ENGLAND) ORDER 2015

APPLICATION NUMBER: AWDM/0085/16

Details of Development
APPLICATION TO VARY CONDITION 14 OF AWDM/0431/14 TO VARY THE TRADING HOURS TO ALLOW TRADING 8AM TO 10PM.

Location of Development
UNIT 1 MALTHOUSE TRADING ESTATE BRIGHTON ROAD SHOREHAM-BY-SEA WEST SUSSEX

In pursuance of their powers under the above-mentioned Act and Order the Council hereby notify you that they PERMIT the above development, in accordance with the application and relevant correspondence registered on 21st January 2016.

This is for reasons stated on the schedule overleaf and subject to compliance with the conditions specified thereon.

G Peck

Gary Peck
Planning Services Manager
28/09/2016

Adur District Council
Adur District Council, Development Management, Economy Directorate,
Portland House, 44 Richmond Road, Worthing, West Sussex, BN11 1HS
Tel: 01903 221065 Fax: 01903 221072 Minicom: 01903 204500
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SCHEDULE

Conditions

01. 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.*

02. The development hereby permitted shall be carried out in accordance with the following plans and documentation approved under AWDM/0431/14 unless indicated otherwise by any other condition imposed upon this planning permission:-

DRG. No. 1443-PO1 Validated 7.4.14
DRG. No. 1443-PO2 REV -C Validated 7.4.14
DRG. No. 1443-PO3 REV-C Validated 7.4.14
DRG. No. 1443-PO4 REV-A Validated 7.4.14
DRG. No. 1443-PO5 REV-D Validated 7.4.14
DRG. No. 1121 Validated 7.4.14
DRG. No. 47066424/1 Validated 7.4.14
Road Safety Audit Stage 1 Validated 7.4.14
Flood Risk Assessment and Drainage Assessment Validated 7.4.14
Agreed Framework Travel Plan Validated 6.6.14
The Extended Phase 1 Habitat Survey report, dated 4.9.13 prepared by Abricon Validated 6.6.14
Environmental Noise Report Reference: 5658/BL/pw January 2014 Acoustic Consultants Ltd Validated 7.4.14

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

03. Notwithstanding the General Permitted Development Order and any subsequent amendments or revocations, no mezzanine floor shall be inserted in the development hereby approved except by express planning permission granted by the Local Planning Authority.

Reason: *To control the scale of floorspace in this out of centre location in accordance with the spatial priorities and sustainable development and the National Planning Policy Framework and Policy 27 of the Draft Revised Adur Local Plan.*

04. The visibility splays and sight lines as built under AWDM/0431/14 serving the access from the site to the A259 shall be kept clear of any obstruction.

Reason: *In the interests of highway safety and having regard to the National Planning Policy Framework.*

05. The approved space under AWDM/0431/14 for the turning of all vehicles (including servicing generally) clear of the public highway and car and cycle parking shall not be used other than as designated in the approved plans and shall be retained as approved thereafter.

Reason: *In the interests of highway safety and to meet operational need having regard to the National Planning Policy Framework.*

06. The development hereby approved is on the basis of the approved schedule and samples of materials and finishes in respect of the external walls (including windows and doors) under AWDM/0431/14.

Reason: *In the interests of visual amenity and to comply with saved policy AG1 of the Adur District Local Plan and the policies of the National Planning Policy Framework.*

07. The hard and soft landscaping as approved under AWDM/0431/14 shall be retained 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 visual amenity and the environment and to comply with saved policies AB25-27 of the Adur District Local Plan and the policies of the National Planning Policy Framework.*

08. The development shall not operate other than in full accordance with the Service Management Plan approved under AWDM/0431/14.

Reason: *In the interests of highway safety and efficiency including to ensure that manoeuvring by large vehicles to reverse to either enter or exit the service bay does not have a detrimental impact on the safety of other car park users and to minimise the chance of conflict with departing HGVs and drivers using the right hand turn facility, in accordance with the National Planning Policy Framework.*

09. Within 6 months of the completion of construction of the building hereby approved, a certificate from a suitably accredited assessor shall be submitted to the Local Planning Authority demonstrating that the development hereby approved has been built to meet at least the Very Good Standard under BREEAM (Building Research Establishment Environmental Assessment Methodology).

Reason: *In the interests of sustainability having regard to the policies of the National Planning Policy Framework.*

10. The development shall not operate other than in full compliance with the approved Travel Plan.

Reason: *In order to encourage sustainable methods of travel in accordance with the aims of the National Planning Policy Framework.*

11. The development hereby approved shall be carried out in accordance with the approved Flood Risk and drainage Assessment (FRA) and in addition the following measures:-

a) the recessed loading bay shall have an Aco slot drain at the bottom of the ramp to prevent flooding of the ramp area by discharging rain and surface water into the storm sewer system (in a similar manner to the car park gullies);

b) Provision of a petrol/oil interceptor in respect of the disposal of surface water from the car parking area;

c) Provision of Hydro Filterra and Clearstone tree pits to use runoff from the car parking areas to water this landscaping.

Reason: *To reduce the risk of flooding to the proposed development, minimise pollution from run off and optimise water consumption in accordance with the principles of the National Planning Policy Framework.*

12. The wildlife enhancement set out in the Recommendations of The Extended Phase 1 Habitat Survey report, dated 4.9.13 prepared by Abricon shall be retained.

Reason: *In the interests of bio diversity in accordance with the National Planning Policy Framework.*

13. SEC's Remediation Strategy (ref.: 2272 15 03 20 RPT 01 REV 02 SS MP).

Measures to assess the potential, remediate and monitor land contamination shall be as approved previously. No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority) shall take place unless and until:-

a) the site has been stripped of Made Ground and a vapour membrane installed beneath the footprint of the building and another enclosed structures on site in accordance with the recommendations of OPUS Geo-Environmental Ground Investigation Report J-M0166.01 Draft or any such other measure as agreed by the Local Planning Authority in writing.

b) Results from the ground gas monitoring are made available to the Local Planning Authority in an addendum report for evaluation and such measures as prescribed by the Local Planning Authority have been complied with.

If during development, any visible 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 no further development (unless otherwise agreed in writing with the Local Planning Authority) 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 shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented

In any event, as construction workers may come into contact with contaminated material, they should be advised of the guidance in HS (G) 66 - Protection of Workers and the General Public during Development of Contaminated Land.

Reason: *To minimise risk from potential land contamination and to safeguard public health having regard to the policies of the National Planning Policy Framework.*

14. The use hereby approved shall not be open for trade or business other than between the hours of 8 am and 10pm.

Reason: *In the interests of amenity and to comply with saved policy AG1 of the Adur District Local Plan and the policies of the National Planning Policy Framework.*

15. No deliveries or collections including waste and recycling shall take place between the hours of 7am to 9.30 pm on Mondays to Fridays and 8am and 10pm on Saturdays or Sundays.

Reason: *In the interests of road safety and traffic efficiency having regard to the policies of the National Planning Policy Framework.*

16. The development shall not operate other than in compliance with the Environmental Noise Report Reference: 5658/BL/pw January 2014 Acoustic Consultants Ltd in respect of noise emissions relating to plant and equipment.

Reason: *In the interests of amenity having regard to saved policy AG1 of the Adur District Local Plan and the policies of the National Planning Policy Framework.*

17. All designs, materials and planting for street furniture/landscaping and public realm in respect of the approved development shall accord with the Streetscape Guide and adopted wider Shoreham Harbour strategy as previoulsy approved.

Reason: *In the interests of visual amenity and regeneration having regard to the Streetscape Guide and adopted wider Shoreham Harbour strategy and the policies of the National Planning Policy Framework.*

18. No external lighting, other than that shown in the approved plans, shall be installed without the prior approval of the Local Planning Authority. All lighting shall be turned off outside of approved trading hours.

Reason: *In the interests of visual amenity having regard to the policies of the National Planning Policy Framework.*

19. The memorial to PC Tooley shall be protected from damage from any works and the operation of the approved use as previously approved.

    Reason: *In the interests of respect.*

20. The development shall operate in accordance with the previously agreed provision for on-site customer taxi pick up and set down.

    Reason: *In the interests of customer choice and need and having regard to the policies of the National Planning Policy Framework.*

21. Provision for public art shall be as previously approved.

    Reason: *In the interests of visual amenity, the environment and regeneration having regard to the National Planning Policy Framework.*

22. The facilities for storing refuse and waste, including for waste that can be recycled, shall be as previously approved under AWDM/0431/14.

    Reason: *In the interests of amenity.*

23. No work for the implementation of the development hereby permitted shall be undertaken on the site other than between the hours of 8am and 6pm Monday to Friday and 8.30am and 1pm on Saturdays. There shall be no work on Sundays or Public Holidays.

    Reason: *To safeguard the amenities of the occupiers of neighbouring properties having regard to saved policy AG1 of the Adur District Local Plan and the policies of the National Planning Policy Framework.*

Informatives / Notes to Applicant

01. This permission is the subject of a Deed of Variation of the legal agreement attached to permission AWDM/0431/14.

02. 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.

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YOUR ATTENTION IS DIRECTED TO THE FOLLOWING NOTES FROM THE ABOVE ORDER. THEY ARE FOR INFORMATION ONLY AND DO NOT PRETEND TO SET OUT THE WHOLE OF THE LAW ON THE SUBJECT. IT WOULD BE WELL FOR YOU TO CONSULT YOUR SOLICITOR IF YOU ARE IN ANY DOUBT

Appeals to the Secretary of State

1. 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.

2. If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate at Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

3. 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.

4. 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.

5. 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

6. If either the local planning authority or the Secretary of State refuses 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.

7. In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Planning Act 1990.

8. Further correspondence about this application should quote the reference number at the top right hand corner of the form.

9. Where this notice conveys approval or permission, conditional or unconditional, please note that the decision given does not purport to convey any consent or approval which may be required under the Building Act and Building Regulations, or any other legislation.