ADUR DISTRICT COUNCIL

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PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/0116/24

Details of Development

ERECTION OF EXTENSION TO SOUTH AND WEST OF EXISTING GARDEN CENTRE, PROVIDING INTERNAL RETAIL AREA, WAREHOUSE AND ASSOCIATED GOODS DELIVERY YARD. EXTENSION AND LANDSCAPING OF EXTERNAL RETAIL AREA TO WEST OF GARDEN CENTRE INCLUDING NEW SECURITY FENCING TO WESTERN BOUNDARY. DEMOLITION OF EXISTING FROST CANOPIES AND ERECTION OF NEW SEMI-ENCLOSED GLASS ROOF FROST CANOPY. DIVERSION OF EXISTING PUBLIC RIGHT OF WAY. CREATION OF NEW VEHICLE ACCESS FROM OLD SHOREHAM ROAD. INTERNAL ALTERATIONS INCLUDING RELOCATION OF OFFICES AND REPLACEMENT OF EXISTING GOODS LIFT. APPLICATION TO VARY AWDM/1154/21 CONDITION NO.01 - APPROVED DRAWINGS TO ALTER THE PROPOSED FROST CANOPY ARRANGEMENT AND AMEND THE FENESTRATION TO THE APPROVED EXTENSION

Location of Development

LAND OPPOSITE 269 TO 287 OLD SHOREHAM ROAD SOUTHWICK 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 25th January 2024.

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
06/03/2024

SCHEDULE

Conditions

01. The development hereby permitted shall be carried out in accordance with the following approved plans unless specified otherwise in a subsequent condition imposed on this decision notice.

Reference/Drawing Number	Version	Date Rec
BLOCK PLAN AS PROPOSED	2.11 Rev C	25.01.2024
SITE PLAN AS PROPOSED	2.12 Rev G	25.01.2024
UPPER GROUND FLOOR PLAN AS PROPOSED	2.13 Rev B	25.01.2024
PROPOSED ELEVATIONS SHEET 1	2.15 Rev C	25.01.2024
PROPOSED ELEVATIONS SHEET 2	2.16 Rev B	25.01.2024
FROST PROTECTION CANOPIES AS PROPOSED	2.17 Rev B	25.01.2024
Previously Approved Plans AWDM/1154/21		
Combined Topographical Survey	1.01	18.06.2021
Garden Centre - Lower Ground Floor Plan	1.02	18.06.2021
Garden Centre - Upper Ground Floor Plan	1.03	18.06.2021
Garden Centre - Existing Elevations	1.04	18.06.2021
Electrical Constraints Plan	1.05	18.06.2021
Location Plan	2.10 Rev A	18.06.2021
Lower Ground Floor As Proposed	2.14 Rev A	18.06.2021
Public Right of Way Diversion Plan	2.18 Rev A	18.06.2021

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

02. 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.*

03. The Construction Management Plan approved under application reference AWDM/1450/22 shall be implemented and adhered to throughout the entire construction period.

Reason: *In the interests of highway safety and amenity having regard to policies 28 and 34 of the Adur Local Plan.*

04. 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: *In the interests of amenity and highway safety and having regard to the National Planning Policy Framework and policies 15 and 28 of the Adur Local Plan.*

05. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the details approved under application reference AWDM/1450/22.

Reason: *To encourage and provide for a sustainable non-car mode of transport in compliance with the National Planning Policy Framework and policies 15 and 28 of the Adur Local Plan.*

06. The measures contained within the Travel Plan Statement approved under application reference AWDM/1450/22 shall be fully implemented.

Reason: *To encourage and promote alternative travel options to the use of the private car and to ensure the delivery of sustainable development in accordance with the National Planning Policy Framework and policy 28 of the Adur Local Plan.*

07. 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, in compliance with the National Planning Policy Framework and policies 34 and 35 of the Adur Local Plan.*

08. Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:
Monday - Friday 08:00 - 18:00 Hours
Saturday 09:00 - 13:00 Hours
Sundays and Bank Holidays no work permitted

Any temporary exception to these working hours shall be agreed in writing by the Local Planning Authority at least five days in advance of works commencing. The contractor shall notify the local residents in writing at least three days before any such works.

Reason: *In the interests of residential amenity and to comply with policies 15 and 34 of the Adur Local Plan.*

09. All floodlighting and external lighting shall conform with the details approved under application reference AWDM/1450/22 and no additional lighting shall be installed without the prior approval of the Local Planning Authority.

Reason: *In the interests of amenity and to comply with policies 15 and 34 of the Adur Local Plan.*

10. No development shall commence until the developer has agreed with Southern Water the necessary measures to be taken to protect the public sewers.

Reason: *To protect essential infrastructure having regard to Policies 29, 35 and 36 of the Adur Local Plan.*

11. 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 details agreed under application reference AWDM/1450/22 and the details so agreed shall be maintained in good working order in perpetuity.

Reason: *To ensure adequate drainage and to comply with the National Planning Policy Framework and policy 36 of the Adur Local Plan.*

12. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the maintenance and management manual approved under application reference AWDM/1450/22.

Reason: *To ensure adequate drainage and to comply with the National Planning Policy Framework and policy 36 of the Adur Local Plan.*

13. 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 adequate drainage has been provided and to comply with the National Planning Policy Framework and policy 36 of the Adur Local Plan.*

14. The external walls and roofs of the extension and alterations hereby permitted shall, prior to commencement of use of the extension, be completed to match those of the existing building.

Reason: *In the interests of visual amenity and to comply with policy 15 of the Adur Local Plan.*

15. All hard and soft landscape works shall be carried out in accordance with the details approved under application reference AWDM/1450/22 and at the times agreed. Any plants which within a period of five years from the time of planting 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 policies 15 and 30 of the Adur Local Plan.*

16. The boundary treatment shall be completed in accordance with the details approved under application reference AWDM/1450/22 before the building is occupied. Thereafter the approved boundary treatment shall be retained permanently.

Reason: *In the interests of visual amenity and having regard to policy 15 of the Adur Local Plan.*

17. The development shall not be built or constructed other than in full accordance with the approved measures to provide a minimum 10% reduction in CO2 emissions, as set out in the Energy Statement dated September 2020 and received 18th June 2021 and such approved measures shall be retained thereafter and maintained in accordance with the manufacturer's instructions.

Reason: *To ensure that the development is sustainable and to optimize the potential for energy efficiency, low carbon and renewable energy having regard to the National Planning Policy Framework and policies 1, 15, 18, 19 of the Adur Local Plan and the Adur Planning and Climate Change Checklist 2021.*

18. The development shall be constructed in full compliance with the Air Quality Assessment dated May 2021 and received 8th June 2021, and including the Emission Mitigation Assessment and the Emission Mitigation Statement received 6th September 2021.

Reason: *In the interest of reducing the impact of the development upon air quality having regard to policy 34 of the Adur Local Plan.*

19. The Ecological Management Plan approved under application reference AWDM/0748/22 shall be implemented in full throughout the development and shall thereafter be retained and maintained in accordance with the approved details.

Reason: *In the interests of species protection and biodiversity having regard to policies 30 and 31 of the Adur Local Plan.*

Informatives / Notes to Applicant

01. 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.

Ref: AWDM/0116/24

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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 the decision relates to a householder application or minor commercial application, and you want to appeal, then you must do so within 12 weeks of the date of this notice. If the decision relates to express consent for the display of an advertisement, then you must do so within 8 weeks of the date of this notice. If the decision relates to a non-householder application, an appeal must be lodged within 6 months of the date of the decision notice. Appeals must be made 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 https://acp.planninginspectorate.gov.uk.

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. 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.

7. 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.

Reduced time for making a planning appeal where enforcement action is being taken

Where an enforcement notice has been served on the same, or substantially the same, development as in the householder application within 2 years of the date the application was made, the period for receiving an appeal is within 28 days of the date on the decision notice or of the date by which the LPA should have decided the application. Where an enforcement notice was served after the decision notice was issued or after the end of the period the LPA had to determine the application, the period for receiving an appeal is within 28 days of the date the enforcement notice was served (unless this extends the normal 12 weeks deadline).