ADUR
DISTRICT COUNCIL

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Development Control

PLANNING PERMISSION

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995**

**APPLICATION NUMBER:
ADC/0210/09**

Berkeley Homes Southern Ltd & Seeda
Berkeley House
Summers Place
Stane Street
Billingshurst
West Sussex
RH14 9GN

Details of Development

MIXED USE REDEVELOPMENT COMPRISING 48 APARTMENTS (34 TWO-BEDROOM, 11 ONE-BEDROOM & 3 THREE-BEDROOM) (INCL. 14 AFFORDABLE) OVER 3 & 4 STOREYS AND 380 SQM OF CLASS A1/A3 (SHOP & RESTAURANT) FLOORSPACE (INCL. PARTIAL USE OF PEDESTRIANISED LITTLE HIGH STREET FOR TABLES & CHAIRS) AND ANCILLARY PARKING (52 CARS & 97 CYCLES) AT GROUNDFLOOR LEVEL

Location of Development

BALLAMYS SHOWROOM HIGH STREET SHOREHAM-BY-SEA WEST SUSSEX BN43 5DF

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 26th May 2009.

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

Your copy of the application, determined as above, is returned herewith for your records.

James Appleton
Executive Head of Planning, Regeneration and Wellbeing

20/08/2009

SCHEDULE

Reasons for Granting Permission

01. The proposed development is within the built-up area and would help meet the need for additional housing, whilst also providing commercial floorspace to create a mixture of uses, without detracting from the existing local urban environment, including the adjoining Conservation Area. It can take place without resulting in unacceptable detriment to the amenities of neighbouring properties, without detraction from highway safety and without unacceptable flood risk. It would consequently not conflict with the relevant policies and development proposals of the Adur District Local Plan (AG1, AG3, AB1, AH2-3, AH5, DP.AE4 & DP.AS1) and the South East Plan (SCT1-6, SP3, CC2, CC4, CC6-7, H1-3, H5, T4, NRM11, BE1).

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. Notwithstanding the details contained in the application and submitted plan, the proposed groundfloor commercial floorspace shall not be used for purposes within Class A2 of the Town & Country Planning (Use Classes) Order 1987 (or in any equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification) and prior to its occupation it shall be subdivided into 2 units in accordance with details to be submitted to and approved in writing by the Local Planning Authority with the western unit used solely for purposes within Class A3 and the eastern unit for purposes within Class A1.

    Reason: *To provide an active retail frontage to the 'square' linking to the High Street in accordance with the Ropetackle Development Brief and DP.AS1 of the Adur District Local Plan .*

03. The flats and commercial floorspace shall not be occupied until the car and cycle parking spaces and access facilities shown on the amended plan 0906.P05C have been provided and they shall not thereafter be used for any purpose other than access and parking of cars and cycles incidental to the use of the proposed building.

    Reason: *To encourage sustainable travel and to ensure adequate provision for car parking clear of the highway and comply with policy AH2 of the Adur District Local Plan and PPG13.*

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04. 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 the amended submitted plan 0906.P05C. Thereafter such visibility splays and sight lines shall be kept clear of any obstruction.

Reason: *In the interests of highway safety.*

05. No construction work shall be carried out on site unless there is available within the site in accordance with details approved by the Local Planning Authority provision for temporary parking and loading/unloading of all Contractors vehicles, and for Contractors buildings, plant, and stacks of materials and such provision shall be retained for these purposes throughout the period of work on the site.

Reason: *In the interests of highway safety and amenity.*

06. 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 at all times during the construction period to ensure that vehicles do not leave the site carrying earth, mud or other material on their wheels in a quantity which causes a nuisance or hazard on the road system in the locality.

Reason: *In the interest of highway safety.*

07. No works or development shall take place until full details of all hard and soft landscaping works and the proposed times of planting have been approved in writing by the Local Planning Authority and all soft landscape works shall be carried out in accordance with those details and at those times. 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. The details shall also include climbing plants such as ivy on the frontage of the building to the A283.

Reason: *In the interests of visual amenity and the environment and to comply with policy AB26-27 of the Adur District Local Plan.*

08. No development shall be carried out unless and until a schedule of materials and finishes to be used for the external walls, doors, windows, louvres, balustrading and roof of the proposed building has been submitted to and approved in writing by the Local Planning Authority.

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

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09. This permission relates to the application as amended by the revised plans 0906.P05C, P13B and C10B received on 2 July 2009.

Reason: *For the avoidance of doubt and because the application as originally submitted was unacceptable having regard to provision for waste storage and collection.*

10. No development shall take place until the applicant has secured the implementation of a programme of archaeological work for the part of the site formerly occupied by Ballamy's showroom in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority.

Reason: *The site is of archaeological significance and it is important that it is recorded by excavation and to comply with policy AB1 of the Adur District Local Plan.*

11. No external lighting or floodlighting shall be installed except in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: *In the interests of amenity and to comply with policy AP9 of the Adur District Local Plan.*

12. The groundfloor commercial floorspace (restricted to use within Classes A1 and A3 under condition 02 of this permission) shall not be open for trade or business other than between the hours of 8 AM and 11 PM and there shall be no external illumination on the premises outside these specified hours. All activity shall cease at the premises by 11.30 PM daily.

Reason: *In the interests of amenity having regard to policy AG1 of the Adur District Local Plan.*

13. The use of the commercial floorspace for Class A3 purposes shall not be commenced until a satisfactory means of ventilation for the extraction, filtration and disposal of cooking odours (including necessary sound attenuation measures) has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority and the system as approved shall thereafter be retained in effective working order and operated at all times when cooking is taking place.

Reason: *In the interests of amenity and to comply with policy AG1 of the Adur District Local Plan.*

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14. The development hereby permitted shall not be commenced until a scheme for protecting the proposed flats 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 completed before the permitted flats are occupied.

Reason: *In the interests of residential amenity and to comply with policy AG1 of the Adur District Local Plan.*

15. The groundfloor level of the proposed building shall be set at 4.85m AODN and at no time shall there be any habitable accommodation below first floor level.

Reason: *To protect against flood risk and in the interests of amenity, to comply with policy AH2 of the Adur District Local Plan and PPS25.*

16. No external radio or T.V. aerial shall be erected or affixed on any individual residential property or flat and provision shall be made for combined aerial facilities to serve the development hereby permitted.

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

17. The building shall not be occupied until the associated facilities for storing refuse and waste, including for waste that can be recycled, have been provided in accordance with the details shown on the amended plan 0906.P05C.

Reason: *In the interests of amenity and G12 of the West Sussex Waste Local Plan Deposit Draft.*

18. No development approved by this planning permission shall be commenced until:-
a) A desktop study has been carried out by a competent person in accordance with B.S.10175:2001 which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced.

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b) A site investigation has been designed for the site in accordance with B.S.10175:2001 using the information obtained from desktop study and any diagrammatical representation (Conceptual Model). This should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:-
-a risk assessment to be undertaken of the risks to human health, ground and surface waters on and off the site, and the wider environment;
-refinement of the Conceptual Model;and
-the development of a Method Statement detailing the remediation requirements.

c) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been undertaken.

d) A Method Statement detailing the remediation requirements (including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation) has been submitted to the Local Planning Authority. This shall be approved in writing by the Local Planning Authority prior to that remediation being carried out on the site.

The development of the site shall be carried out in accordance with the approved Method Statement.

Upon completion of the remediation detailed in the Method Statement, a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post-remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met and future monitoring proposals and reporting shall also be detailed in the report.

Reason: *To safeguard against pollution of controlled waters and risk to public health and safety in compliance with PPS24.*

19. Piling of foundations shall only be undertaken in accordance with details which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of piling work.

Reason: *To safeguard against public health and safety risk.*