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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/0099/08

Mr Andy Ryley
PRC
32 Victoria Road
Surbiton
Surrey
KT6 4JT

Details of Development

MIXED USE REDEVELOPMENT COMPRISING 53 APARTMENTS (24 TWO-BED, 20 ONE-BED AND 9 STUDIO) (INCL.16 AFFORDABLE) OVER 3 AND 4 STOREYS; 267 SQM GROUNDFLOOR OFFICES, 245 SQM OF GROUNDFLOOR RETAIL, AND 559 SQM OF GROUNDFLOOR RESTAURANT (WITH PARTIAL USE OF PEDESTRIANISED LITTLE HIGH ST FOR TABLES AND CHAIRS) WITH 69 CAR AND 144 CYCLE PARKING SPACES (INCL. 53 CAR AND 117 CYCLE SPACES IN BASEMENT) (LAND BETWEEN ROPETACKLE, LITTLE HIGH STREET AND HIGH STREET)

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 13th February 2008.

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

06/02/2009

SCHEDULE

Reasons for Granting Permission

01. The proposed development is within the built-up area and would help meet the need for additional housing 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 of the Adur District Local Plan (AG1, AH2, AH5) and the West Sussex Structure Plan 2001-16 (LOC1, NE1, NE5-6, CH1, CH4, ERA1, ERA4-5, DEV1-5).

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 apartments shall not be occupied until the parking spaces and access facilities shown on the submitted plans PL13-100B and 101D 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: *To ensure adequate provision for parking clear of the highway and to comply with policy AH2 of the Adur District Local Plan and DEV4-5 of the West Sussex Structure Plan.*

03. The apartments hereby permitted shall not be occupied until space has been laid out within the site in accordance with the details shown on plans PL13 - 100B and 101D for the turning of vehicles clear of the public highway and such space shall not thereafter be used other than for access and turning of vehicles.

Reason: *In the interest of highway safety and to comply with policy DEV4 of the West Sussex Structure Plan.*

PTO

04. The access from the site to the public highway shall be designed, laid out and constructed with kerb radii and sight lines in all respects in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority before any other operation authorised by this permission is commenced. Thereafter such sight lines shall be kept clear of any obstruction.

Reason: *In the interests of highway safety and to comply with policy DEV4 of the West Sussex Structure Plan.*

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 and to comply with policy DEV4-5 of the West Sussex Structure Plan.*

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 construction work 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 and to comply with policy DEV4 of the West Sussex Structure Plan.*

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.

Reason: *In the interests of visual amenity and the environment and to comply with policy AB26-27 of the Adur District Local Plan and DEV1 of the West Sussex Structure.*

PTO

08. No development shall be carried out unless and until a schedule of materials and finishes to be used for the external walls, balconies, windows, doors 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 policies AG1 and AH2 of the Adur District Local Plan and DEV1 of the West Sussex Structure Plan.*

09. This permission relates to plans PL10-100B, PL10-100RL, PL13-101D, 102D, 103D, 104D, 106D, 200B, 201B, 202, 203, 301D, 302D, 303C, 310C, 311C, 312D, 313D, 314D, 315D, 316D, 317C, 320B, 322C, 323D, 324D, 327B, 331B and PL50-100C.

Reason: *For the avoidance of doubt and because the application as originally submitted was unacceptable having regard to policy AG1 of the Adur District Local Plan and DEV1 of the West Sussex Structure Plan.*

10. No development shall take place until the applicant has secured the implementation of a programme of archaeological work 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 and CH7 of the West Sussex Structure 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 and DEV1 of the West Sussex Structure Plan.*

12. No development shall be carried out until the existing building on the application site at the date of this permission has been demolished, the debris removed from the site and the site cleared.

Reason: *In the interests of amenity and to comply with policy AG1 of the Adur District Local Plan and DEV1 of the West Sussex Structure Plan.*

13. The premises used for purposes within Use Classes A1, A2, A3 and B1 shall not be open for trade or business other than between the hours of 8.30 AM and 11 PM and there shall be no external illumination on the premises outside these specified hours. All activity shall cease at these premises by 11.30 PM daily.

Reason: *In the interests of amenity and to comply with policy AG1 of the Adur District Local Plan and DEV1 of the West Sussex Structure Plan.*

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14. The Class A3 use hereby permitted 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 and DEV1 of the West Sussex Structure Plan.*

15. The office premises hereby permitted shall be used only for purposes within Class A2 or within sub-paragraph (a) of Class B1 and for no other purpose within Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any Statutory Instrument revoking and re-enacting that Order with or without modification).

Reason: *In the interests of amenity and to comply with policy AG1 of the Adur District Local Plan and DEV1 of the West Sussex Structure Plan.*

16. The development hereby permitted shall not be commenced until a scheme for protecting the proposed apartments 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 apartments are occupied.

Reason: *In the interests of residential amenity and to comply with policy AG1 of the Adur District Local Plan and DEV1 of the West Sussex Structure Plan.*

17. The ground floor 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 having regard to policies ERA4 and DEV1 of the West Sussex Structure Plan and PPS25.*

18. No external radio or T.V. aerial shall be erected or affixed on any individual apartment 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 and DEV1 of the West Sussex Structure Plan.*

19. 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 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 DEV1 of the West Sussex Structure Plan and G12 of the West Sussex Waste Local Plan Deposit Draft.*

PTO

20. The development hereby permitted shall not be commenced until details of the proposed surface water drainage and means of disposal have been submitted to and approved by the Local Planning Authority and the building shall not be occupied until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority. There shall be no discharge of contaminated drainage into either ground water or any surface waters whether direct or via soakaways.

Reason: *To ensure adequate drainage and to comply with policy AP4 of the Adur District Local Plan and ERA4-5 & DEV3 of the West Sussex Structure Plan.*

21. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from the proposed car parking areas and other hardstandings shall be passed through trapped gullies designed and constructed to have a capacity and details compatible with the site being drained. Roof water from buildings shall not pass through any such trapped gully.

Reason: *To safeguard against pollution and to comply with policy ERA5 of the West Sussex Structure Plan.*

22. 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.

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.

PTO

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.

If during development, any visibility contaminated or odorous material not previously indentified is found to be present at the site, then this must be investigated. The Local Planning Authority must be informed immediately of the nature and degree of contamination present. The developer shall submit a further Method Statement which must detail how this unsuspected contamination shall be dealt with.

Reason: *To safeguard against pollution of controlled waters and risk to public health and safety in compliance with policy ERA5 of the West Sussex Structure Plan.*

23. Only clean, uncontaminated rock, subsoil, brick rubble, crushed concrete and ceramic shall be used as infill material.

Reason: *To safeguard against public health and safety risk and to comply with policy ERA5 of the West Sussex Structure Plan.*

24. 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 and to comply with policy ERA5 of the West Sussex Structure Plan.*