Adur District Council

Development Management

Mr Stephen Sexton
Summertown Limited
11 Grosvenor Road
London
SW1V 3LG

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/1625/16

Details of Development
DEMOLITION OF EXISTING BUILDING AND MIXED USE REDEVELOPMENT OF 63-67 BRIGHTON ROAD TO CONSTRUCT 5 STOREY BUILDING TO PROVIDE 37SQM OF A3 (RESTAURANT/CAFE)/A4 (DRINKING ESTABLISHMENT)/B1 (BUSINESS) USE ON GROUND FLOOR AND 14 DWELLINGS COMPRISING 3 STUDIO FLATS, 7 X 1 BED FLATS AND 4 X 2 BED FLATS ON FIRST TO FOURTH FLOORS, PLUS 7 CAR PARKING SPACES AND CYCLE PARKING

Location of Development
DEVELOPMENT SITE AT 63 TO 67 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 17th November 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
13/02/2017

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
DX: 142965 Worthing 10 Web: www.adur-worthing.gov.uk

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
LOCATION PLAN	2050-00-DR-0001 P05	17.11.2016
PROPOSED BLOCK PLAN	2050-00-DR-0110 P03	17.11.2016
PROPOSED GA PLANS	2050-00-DR-0101 P10	17.11.2016
PROPOSED ROOF LAYOUT	2050-00-DR-0102 P02	17.11.2016
PROPOSED GA SECTIONS	2050-00-DR-0401 P10	17.11.2016
PROPOSED GA ELEVATIONS	2050-00-DR-0601 P10	17.11.2016
BRIGHTON ROAD STREET VIEW	2050-00-DR-0602 P01	17.11.2016
ELEVATION SURVEY	WLS.SLH.3.2	17.11.2016
MEASURED FLOOR PLANS	WLS.SLH.3.1	17.11.2016
DETAILED TOPOGRAPHICAL SUSRVEY	WLS.SLH.3	17.11.2016

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. Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be 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.

Cont…/

(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 construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), 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.*

04. The development hereby permitted shall not be commenced until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. There shall be no discharge of contaminated drainage into either ground water or any surface waters whether direct or via soakaways. Surface water drainage shall incorporate sustainable drainage methods, including rainwater attenuation, and the approved development shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

Reason: *To ensure adequate drainage and to comply with saved policy AP4 of the Adur District Local Plan and policy 37 of the Submission Adur Local Plan 2016.*

Cont…/

05. No development shall be carried out unless and until a schedule and samples of materials and finishes to be used for the external walls (including windows and doors) and roof of the proposed building have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved details.

Reason: *In the interests of visual amenity and to comply with saved policy AH2 of the Adur District Local Plan and policy 15 of the Submission Adur Local Plan 2016.*

06. No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained for their designated use.

Reason: *To provide adequate on-site car parking and turning space for the development.*

07. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority

Reason: *To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.*

08. No part of the development shall be first occupied until gates set back 5m from the carriageway edge have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: *To provide safe gated access to the development.*

09. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters;

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: *In the interests of highway safety and the amenities of the area.*

Cont…/

10. No development shall take place until an air quality impact and emissions mitigation assessment has been carried out in accordance with the Air Quality and Emission Mitigation Guidance for Sussex and submitted to and approved by the local planning authority. The assessment shall include an assessment of the impacts on the two Adur AQMA's and a cumulative impact assessment to take account of future developments in the area. All recommendations from the approved assessments, including mitigation, shall then be implemented fully in the development.

    Reason: *In the interest of improving air quality having regard to policy 35 of the Submission Adur Local Plan.*

11. No development shall take place until specific details of the means of protecting the habitable rooms and amenity areas from excess noise have been submitted to and agreed in writing by the local planning authority. Such details shall include the provision of mechanical ventilation with an air intake from the roof. The development shall be carried out in accordance with the approved details.

    Reason: *To protect future residents from traffic noise having regard to policy 35 of the Submission Adur Local Plan.*

12. At least 10% of the energy supply of the development shall be secured from renewable or low-carbon energy sources. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The approved details shall be implemented in accordance with the approved timetable prior to the commencement of the development and retained as operational thereafter or the use of the building, unless otherwise agreed in writing by the Local Planning Authority.

    Reason: *To ensure the development is sustainable having regard to policy 20 of the Submission Adur Local Plan.*

13. Space heating and hot water in the development must be delivered through a central, communal wet system, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. This should operate at an appropriate temperature for connection to a future heat network. Plant rooms should be situated to consider future pipe routes and sufficient space must be allowed for building/network interface equipment (such as heat exchangers). A pipe run must be provided between the plant room and the highway.

    Reason: *To ensure the development is sustainable having regard to policy 20 of the Submission Adur Local Plan.*

Cont…/

14. No development shall take place until a detailed design of green landscaping and planting has been submitted to and approved in writing by the Local Planning Authority. The approved development shall be implemented in accordance with the approved detailed design prior to the use of the building commencing. Appropriate native species, including vegetated shingle planting should be included.

    Reason: *To ensure the development provides green infrastructure having regard to policy 31 of the Submission Adur Local Plan.*

15. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (Ambiental ref 2796 dated January 2017) and the following mitigation measures contained within it:-

    - The finished floor level of the habitable (including sleeping) accommodation shall be set no lower than 5.4 metres above Ordnance Datum (AOD).

    The mitigation measures shall be fully implemented prior to occupation and subsequently maintained in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

    Reason: *To reduce risk of flooding and in the interests of the safety of the occupants having regard to paragraphs 100 and 103 of the National Planning Policy Framework.*

16. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), the area identified as commercial space on the ground floor of the building shall be used only for purposes within Use Classes A1, A3, A4 and B1 as defined in the Town and 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.

    Reason: *In the interest of amenity having regard to saved policy AG1 of the Adur District Local Plan and policy 15 of the submission Adur Local Plan 2016.*

17. The commercial space on the ground floor shall not be open for trade or business other than between the hours of 8am and 11pm on any day and all activity associated with an A3/A4 use shall cease at the premises within half an hour of this closing time.

    Reason: *In the interests of amenity having regard to saved policy AG1 of the Adur District Local Plan and policy 15 of the Submission Adur Local Plan 2016.*

Cont…/

18. No A3 or A4 use shall be carried on from the commercial space on the ground floor unless and until full details of the means of extraction and disposal of cooking odours from the premises (including details of extract fans, filters, internally located fan units and ducting together with a method of noise abatement, as well as details of grease traps and extraction hoods) and of any other external plant or equipment, have been submitted to and approved in writing by the Local Planning Authority. The equipment so approved shall be fully installed in accordance with the approved details before the use hereby permitted begins and shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

    Reason: *To safeguard the amenities of nearby properties having regard to saved policy AG1 of the Adur District Local Plan and policy 15 of the Submission Adur Local Plan 2016.*

Informatives / Notes to Applicant

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

02. The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway

03. The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

04. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

    The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

Cont../

05. A formal application for connection to the public sewerage system is required in order to service this development. The applicant is advised to contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel 0330 303 0119) or www.southernwater.co.uk

06. The developer is advised to contact the Council's Environmental Health department for a demolition notice under the Building Act 1984 before commencing any demolition.

Ref: AWDM/1625/16

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

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, 12 weeks for a minor commercial (shop front) of the date of this notice. Appeals must be made using a form which you can get from the Secretary of State online at https://acp.planninginspectorate.gov.uk or at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000).

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.

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

Where an enforcement notice has been served in relation to the same, or substantially the same, development as in the planning application no earlier than 2 years before the date the application was made, the period for receiving a planning appeal is within 28 days of the date on the planning application decision notice or of the date by which the LPA should have decided the application.

Cont…/

However, the LPA may formally decline to determine a retrospective planning application for permission for any development contained within a pre-existing enforcement notice served on or after 6 April 2012, where that notice was issued before the application was received by the LPA (see above). There is no right to make a planning appeal in such circumstances.

Where an enforcement notice was served in relation to the same, or substantially the same, development after the decision notice on the application was issued or after the end of the period the LPA had to determine the application, the period for receiving a planning appeal is within 28 days of the date the enforcement notice was served (unless this would extend the period beyond the normal 12 weeks or 6 months deadline).