Adur District Council

Planning, Regeneration and Wellbeing

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PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010

APPLICATION NUMBER: AWDM/0431/14

Details of Development
DEMOLITION OF EXISTING UNITS (UNITS 1 AND 2) AND CONSTRUCTION OF NEW DISCOUNT FOOD STORE (LIDL) TOGETHER WITH 97 SPACE CAR PARK AND MODIFIED VEHICULAR ACCESS AND LANDSCAPING

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 7th April 2014.

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

James Appleton
Executive Head of Planning, Regeneration and Wellbeing
27/01/2015

PTO

ADUR DISTRICT COUNCIL
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SCHEDULE

Reasons for Granting Permission

01. The loss of the two business units is regrettable but given their circumstances and collective policy, this could not be resisted.

Their replacement by a supermarket would not prejudice the longer term vision for Shoreham Harbour regeneration.

Whilst the development does not fully optimise development potential, it is brownfield land and reasonably sustainably located.

The site is out of centre but no feasible sequentially preferable town or edge of centre sites are apparent and no significant harm to any town centre shops as a result of the proposal alone should occur. Conditions to limit the scope of the store are proposed to provide additional safeguards. There is no evident quantitative need for another supermarket in the Shoreham area but a deep discounter as proposed would in many ways complement the existing and proposed local retail offer; help those on low incomes within the catchment area and has proven to be popular with the wider public.

The proposal will generate some employment and along with the proposed local recruitment and training measures will help compensate for the loss of the existing business units.

The site is well served by road and access/parking arrangements are satisfactory. Development contributions and provisions earmarked in the proposed legal agreement, together with the Travel Plan, are critical to ensuring access by public transport, cycle and foot is adequate and key junctions are not overloaded and impacts on air quality are minimised.

The design of the development is unimaginative but with the proposed public art integrated into its main street frontage, acceptable.

The development would not give rise to any other significant environmental impact.

The Secretary of State has raised no objections.

Subject to the recommended conditions and the legal agreement to secure necessary development contributions and other safeguards, the proposal is acceptable in relation to the Development Plan and all other material considerations as described above. It would consequently not conflict with the relevant saved policies of the Adur District Local Plan AG2, AG3, AP3, AP7, AN4, AB27, AB26, AB32, AT12, AE1, AE2, AE3, AS2 and AS4; The Revised Draft Adur Local Plan (2013) Policies 1, 2, 4, 8, 11, 14, 17, 18, 27, 28, 29, 31, 34 and 36; Draft Joint Area Action Plan (JAAP); Development Brief Western Arm of Shoreham Harbour; the Draft Shoreham Harbour Transport Strategy; Noise Action Plan; Air Quality Management Area; Streetscape Guide for Shoreham Harbour; the National

Planning Policy Framework; and Planning Practice guidance; Planning Noise advice document; Air Quality and Emissions guidance for Sussex; and Developer's Charter. and the policies of the National Planning Policy Framework. No objections have been raised by Secretary of State under Circular 02/2009.

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 approved plan 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 access from the site to the A259 shall be designed, laid out and constructed with kerb radii, visibility splays and sight lines in all respects in accordance with the approved plans and Road Safety Audit and provided prior to commencement of use. Thereafter such visibility splays and sight lines 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 building hereby permitted shall not be occupied until space has been laid out within the site as shown on the submitted plans respectively for the turning of all vehicles (including servicing generally) clear of the public highway and car and cycle parking.

Such spaces shall not thereafter 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. No development of any part of the scheme 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) has been submitted to and approved in writing by the Local Planning Authority.

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. All planting, seeding or turfing comprised in the approved plans in respect of soft landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, 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.

All hard landscaping shall be carried out prior to first occupation of the building in accordance with the approved plans.

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 be occupied unless and until a service management plan has been submitted to and approved by the Local Planning Authority. The development shall not operate other than in full accordance with any such approved plan.

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 use hereby approved shall not commence unless and until a scheme for wildlife enhancement has been implemented in accordance with the Recommendations of The Extended Phase 1 Habitat Survey report, dated 4.9.13 prepared by Abricon.

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

13. 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 9pm.

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. No development shall commence unless and until a scheme has been submitted to and approved by the Local Planning Authority to ensure 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. The development shall not be implemented other than in full accordance with any such approval.

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

18. No development shall start until a Construction Management Plan, to include details of:

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.

has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved Plan.

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

19. 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.*

20. No works shall commence unless and until a scheme to protect the memorial to PC Tooley from damage during construction/demolition and the operation of the approved use has been submitted to the Local Planning Authority. The development shall not be carried out other than in full compliance with any such approved scheme.

Reason: *In the interests of respect.*

21. The development shall not operate/commence unless and until a scheme has been submitted to and approved by the Local Planning Authority for the feasibility of provision of on site customer taxi pick up and set down. Any approved feasible scheme shall be implemented within 6 months of the first opening of the use.

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

22. Notwithstanding the approved plans, no development shall commence unless and until a scheme has been submitted to and approved by the Local Planning Authority for scheme of public art to be incorporated into the development or in the vicinity, as appropriate. The approved scheme shall be implemented prior to commencement of use and shall be retained thereafter.

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

23. No buildings on the site shall 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 approved plans.

Reason: *In the interests of amenity.*

24. 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. 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. Section 278 Agreement of the 1980 Highways Act - Works within the Highway; The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.