Adur District Council

Development Management

Mr Tom Hutchinson
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PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015

APPLICATION NUMBER: AWDM/0935/13

Details of Development
OUTLINE PLANNING APPLICATION (INCLUDING APPROVAL OF DETAILS OF ACCESS) FOR REDEVELOPMENT OF GENERAL INDUSTRIAL LAND FOR A MIXED USE SCHEME WITH UP TO 120 NEW DWELLINGS (USE CLASS C3), HOTEL (USE CLASS C1), OFFICES AND LIGHT INDUSTRIAL (USE CLASS B1), RETAIL (USE CLASS A1), FINANCIAL AND PROFESSIONAL SERVICES (USE CLASS A2) AND CAFE (USE CLASS A3), WITH ASSOCIATED ROADWAYS, PARKING AND FLOOD DEFENCE WALL (SITE INCLUDES RIVERBANK BUSINESS CENTRE AND 12-18 OLD SHOREHAM ROAD)

Location of Development
RIVERBANK BUSINESS CENTRE 39 OLD SHOREHAM 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 9th August 2013.

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
12/06/2015

PTO

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SCHEDULE

Reasons for Granting Permission

01. The District Council recognises the environmental gains that would result from developing this run down industrial site, thus creating economic and tourism benefits for the area from the proposed mixed commercial and residential elements that would provide a range of housing opportunities to drive the financial viability of the development which otherwise is hindered by the abnormal and significant flood defence costs, as well as the sizeable financial infrastructure requirements for education, affordable housing, highway improvements, open space and ecology, whilst at the same time avoiding harm to the character and general amenities of the surrounding area.

    However, it is recognised that if the flood wall is constructed before the site is developed then any funding set aside for the wall construction should be redistributed to make up for the shortfall in other policy compliant infrastructure contributions, particularly in respect of affordable housing. This matter is covered by the S106 agreement (Clause 5.4 of Schedule 2).

Conditions

01. Details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

    Application for the approval of the reserved matters shall be made to the local planning authority not later than (three) years from the date of this permission.

    The development hereby permitted shall not begin later than (two) years from the date of approval of the last of the reserved matters to be approved.

    Reason: *To enable the Local Planning Authority to control the development in detail and to comply with section 92 of the Town and Country Planning Act 1990.*

02. The development hereby permitted shall be carried out in accordance with the following approved plans:-

    Drawing no.0135 OPP 01B
    Drawing no.0135 OPP 15
    Drawing no.0135 OPP 22

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

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03. The development hereby permitted shall not be occupied until the necessary flood defences are complete and no development approved by this planning permission will take place until such time as a scheme for the construction and maintenance of the flood defences has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within that scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: *To reduce the risk of flooding to the proposed development and future users. The site is currently at risk from a 1 in 20 year flood (with existing defences). The proposed flood defence reduces this risk to less than a 1 in 200 year flood over the next 100 years. In addition, the wall will also reduce the level of flood risk to other properties behind the development.*

04. No development shall commence until the vehicular accesses serving the development have been constructed in accordance with the approved planning drawings. No part of the development shall be first occupied until visibility splays of 2.4 metres by 47 metres have been provided at the proposed site vehicular access onto Old Shoreham Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: *In the interests of road safety.*

05. No part of the development shall be first occupied until provision has been made within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority to prevent surface water draining onto the public highway.

Reason: *In the interests of road safety.*

06. No development shall commence until full details of the boundary treatments including gates, fences, walls or other means of enclosure have been submitted to and agreed in writing by the Local Planning Authority. The boundary treatments shall then be erected before occupation and only in accordance with such details and retained as agreed.

Reason: *In the interests of visual amenity.*

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07. No development shall commence unless and until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection during the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out within any phase in the first planting and seeding seasons following the occupation of the buildings or the completion of each phase of the development, whichever is the sooner. 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 provided prior to the occupation of each phase of the development hereby permitted.

Reason: *In the interests of visual amenity and the environment.*

08. No development, demolition or alterations to buildings shall take place until details indicating how suitable provision will be made for protected species and their habitats have been submitted to and approved by the Local Planning Authority in writing and such provision shall be made, where appropriate, before development commences and thereafter shall be retained and maintained in accordance with the approved details.

Reason: *To safeguard the ecology of the area and in the interests of protected species as listed under the Wildlife and Countryside Act 1981 (as amended) to ensure that a habitat remains for them during and after development.*

09. No development shall commence until an Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority to show how the ecology of the surrounding area will be safeguarded during the construction period.

Reason: *To safeguard the ecology of the area and in the interests of protected species as listed under the Wildlife and Countryside Act 1981 (as amended) to ensure that a habitat remains for them during and after development.*

10. Prior to the commencement or works on-site and in accordance with the Reptile Report, (March 2013) reptiles will be trapped, translocated and excluded from the development site under the supervision of the Ecological Clerk of Works. Receptor site treatment and all timings of works pertaining to the reptile mitigation shall be undertaken only in strict accordance with details therein; all on-going maintenance and monitoring and shall be implemented only in accordance with the details as described in the Reptile Management Plan, (April 2013) (Appendix B of the Reptile Report that forms Appendix D of the submitted Ecological Appraisal March 2013) and under the supervision of an Ecological Clerk of Works unless otherwise approved in writing by the Local Planning Authority.

Reason: *In the interest of protecting and conserving the ecological quality of the area in accordance NPPF paragraph 118.*

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11. Prior to development commencing a bat and bird sensitive lighting scheme will be submitted and approved in writing by the Local Planning Authority in order to control light emissions and spillage from the development will onto the River Adur SSSI. Thereafter only lighting approved under the scheme shall be implemented within the development unless otherwise agreed in writing by the Local Planning Authority.

    Reason: *In the interest of protecting and conserving the ecological quality of the area in accordance NPPF paragraph 118 and to avoid all unnecessary impact from lighting on statutory protected sites and species.*

12. The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the drainage scheme shall be implemented as approved.

    Reason: *The site lies above Tidal Flat Deposits and Newhaven Chalk Formation which are designated as Secondary A and Principal Aquifers respectively. Contamination may be present at the site as a result of its historical uses such as a dry cleaning works, metals works and engineering works. Any contamination present may pose a risk to groundwater underlying the site and potable supplies.*

    National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution.

13. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul water has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the drainage scheme shall be implemented as approved.

    Reason: *The site lies above Tidal Flat Deposits and Newhaven Chalk Formation which are designated as Secondary A and Principal Aquifers respectively. Contamination may be present at the site as a result of its historical uses such as a dry cleaning works, metals works and engineering works. Any contamination present may pose a risk to groundwater underlying the site and potable supplies.*

    National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution.

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14. No development shall take place until a remediation strategy, which includes the following components to deal with the risks associated with contamination of the site, have been submitted to and approved in writing by the Local Planning Authority:

a) 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
- potentially unacceptable risks arising from contamination at the site

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

c) The results of the site investigation and the detailed risk assessment referred to in (b) 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.

d) No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of 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. The long-term monitoring and maintenance plan shall be implemented as approved.

e) If, during development, contamination 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 the developer has submitted to and received written approval from the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

f) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: *The site lies above Tidal Flat Deposits and Newhaven Chalk Formation which are designated as Secondary A and Principal Aquifers respectively. Contamination may be present at the site as a result of its historical uses such as a dry cleaning works, metals works and engineering works. Any contamination present may pose a risk to groundwater underlying the site and potable supplies.*

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National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

15. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated July 2013 and the following mitigation measures detailed within the FRA:

a) Finished floor levels are set no lower than 5.4 m above Ordnance Datum (AOD).
b) Details of the surface water drainage scheme to include attenuation for periods of tide locking

Reason: *To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.*

16. 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),
- measures to control the emission of dust and dirt during demolition and construction, lighting for construction and security,
- details of public engagement both prior to and during construction works
- construction times between the hours of 080 and 1800 on Mondays to Saturdays with no Sundays or Bank Holidays working

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

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17. No dwelling shall be occupied unless and until written confirmation from an accredited assessor has been received by the Local Planning Authority to demonstrate that the dwellings have been designed and built to achieve at least Level 3 of the Government's Sustainable Homes Code or the equivalent of any successor.

    Reason: *To ensure the development optimises the potential for sustainable design in accordance with Core Strategy Policy 17 and the National Planning Policy Framework.*

18. Before the development is occupied the Downs Link Coastal footpath shall be improved, including surfacing and fencing works, in accordance with details to be submitted to and agreed in writing with the Local Planning Authority.

    Reason: *To improve the strategic and sustainable links between the site, the town centre and the South Downs whilst also protecting the river from trespass and harm to the local wildlife.*

19. No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

    Reason: *To encourage and promote sustainable transport.*

20. The development shall not be occupied until the parking spaces, access and turning areas shown on the approved plans 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 parking, access and turning of vehicles.

    Reason: *To ensure adequate provision for parking and turning clear of the highway in the interests of highway safety.*

21. The development shall not be occupied until cycle parking has been provided in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.

    Reason: *To encourage and provide a non-car mode of transport to and from the site.*

22. The development shall not be occupied unless or until provision for refuse collection from all units on the site has been made in accordance with details to be agreed in writing with the Local Planning Authority

    Reason: *To ensure the satisfactory provision of facilities in the interests of hygiene, visual amenity and highway safety.*

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23. No extraction or other air handling plant or externally sited machinery shall be installed on any building within the development without the written approval of the Local Planning Authority.

    Reason: *In the interests of residential amenity and to protect the appearance of the buildings.*

24. No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.

    Reason: *To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.*

25. Each residential property located within the NEC yellow contour band shown on Figure 5.2: PPG 24 Noise Contours - Night of the above report shall have a whole house ventilation system installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority and implemented fully in accordance with the approved details before each of the residential units so identified is occupied.

    Reason: *To ensure that those properties most affected by road and rail noise are appropriately insulated and ventilated to provide an acceptable living environment for the occupiers.*

26. The class A1 retail store hereby approved shall not be open for trade or business other than between the hours of 8.00 am and 6.00 pm on Mondays to Saturdays and between 10.00 am and 4.00 pm on Sundays and Public Holidays.

    Reason: *To protect the residential amenities of the area.*

27. No working, trade or business (including loading/unloading of vehicles) shall take place within or in relation to the railway arches or the A2 and B1 offices hereby approved except between the hours of 8.00 am and 6.00 pm on Mondays to Saturdays inclusive and at no time on Sundays or Public Holidays.

    Reason: *To protect the residential amenities of the area.*

Informatives / Notes to Applicant

01. The exact position of the water mains and surface water sewer must be determined on site by the applicant before the layout of the proposed development is finalised. It might be possible to divert the public surface water sewer and water main so long as this would result in no unacceptable loss of hydraulic capacity and the work is carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

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02. 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 the potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

03. Southern Water requires the applicant/developer to enter a formal agreement to provide the necessary sewerage infrastructure required to service this development and to do so he should contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

04. Southern Water requires the applicant/developer to make a formal application for a connection to the public surface water sewer to service this development and to do so he should contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

05. Under Section 278 Agreement of the 1980 Highways Act and 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.

06. The following comments should be considered when preparing more detailed schemes for the flood wall:
- AZ12 seems to be quite light and if the pile is untreated the design life needs to be established
- On section 1 a ditch has been created between the existing bank and the sheet pile but no reason is given for this and it is going to accumulate water and litter and additional drainage may be required to accommodate this.

Under the terms of the Water Resources Act 1991, and the Southern Region Byelaws, prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 15 metres of the top of the bank/foreshore of the River Adur, designated a 'main river'.

07. The Preliminary Desk Study for Ropetackle North, Shoreham-by-Sea as submitted by Hemsley Orrell Partnership (dated July 2013, ref 13324/03/DS) has been reviewed and the proposals are largely acceptable. However, further risk assessment is required for the site, as the desk study does not include an up-to-date conceptual site model, or identify the potential contaminants associated with the sites former uses and it is requested that an updated risk assessment is provided as per CLR11, Model Procedures for the Management of Land Contamination.

The redevelopment will require further intrusive site investigation and proposals for possible remediation. The Ground Investigation of 2008 highlighted that some areas of the site had significant levels of localised contamination, and therefore an updated site investigation is required, alongside groundwater testing. The site investigation should ascertain contamination levels across the site, due to the potential presence of elevated

benzo(a)pyrene levels and hydrocarbon odours as previously discovered by Structural Soils Ltd.

It is recommended that developers should:

- Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- Refer to the Environment Agency Guiding principles for land contamination for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
- Refer to the website at www.environment-agency.gov.uk for more information.
- To the Environment Agency groundwater policies in Groundwater Protection: Principles and Practice, available from the website. This sets out the position for a wide range of activities and developments, including the discharge of liquid effluents, land contamination and drainage.

08. During the detailed design of the proposed surface water, especially the outfall, it may be necessary to include scour protection. This will protect the SSSI from damage resulting from the unrestricted surface water into the Adur.