Adur District Council

Planning, Regeneration and Wellbeing

W N Developments Limited
13 College Road
Bedford
MK42 9PL

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/0501/12

Details of Development

Demolition of existing warehouse to facilitate new mixed-use development of 132 dwellings (Use Class C3) (comprising 32 x 1-bed flats, 87 x 2-bed flats and 13 x 3-bed flats of which 27% are affordable units), a 1265sqm foodstore (Use Class A1) and 121sqm of ancillary commercial floorspace (Use Classes A1, A2, A3, A5 and B1) in a 5-7 storey building with 150 parking spaces plus cycle spaces at basement level and at the front of the site, new vehicular access to serve the foodstore from Brighton Road, access to residential units via Surry Hard, improvements to the existing river wall, public hard and boathouse and new landscaping.

Location of Development

79 - 81 Brighton Road Shoreham-By-Sea West Sussex BN43 6RE

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 18th April 2012.

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
07/10/2013

ADUR DISTRICT COUNCIL

Adur District Council, Planning Services, Portland House,
Richmond Road, Worthing, West Sussex, BN11 1LF
Tel: (01903) 221065 Fax: (01903) 221072
Minicom: (01903) 204500 DX: 142965 Worthing 10
web: www.adur.gov.uk

SCHEDULE

Reasons for Granting Permission

01. The principle of an architecturally-striking development of this scale on this site has already been established and it is not considered that the differences between the approved scheme and the current proposal are significant in terms of scale, design or footprint. The 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 and listed buildings. It can take place without resulting in unacceptable detriment to the amenities of neighbouring properties, without detraction from highway safety and without unacceptable risk from flooding. It would consequently not conflict with the relevant saved policies of the Adur District Local Plan (AG1, AH2, AH5, AB3-4, AB11, AB23, AB25-27) and the policies of the National Planning Policy Framework.

Conditions

01. The development hereby permitted shall be begun before the expiration of 5 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 plans:-

PLA3/001 Rev A (Site Location Plan) received 5 September 2012
PLA1/010 Rev A (Existing Site Plan) received 5 September 2012
PLA1/020 Rev A (Existing Elevations) received 5 September 2012
PLA1/201 C (South Elevation) received 24 May 2013
PLA1/202 H (North Elevation) received 15 May 2013
PLA1/203 E (East Elevation) received 24 May 2013
PLA1/204 G (West Elevation) received 15 May 2013
PLA1/300 H (Section AA) received 28 May 2013
PLA1/099 E (Basement Plan) received 28 May 2013
PLA1/100 M (Ground Floor Plan) received 28 May 2013
PLA1/101 G (First Floor Plan) received 28 May 2013
PLA1/102 F (Second Floor Plan) received 28 May 2013
PLA1/103 F (Third Floor Plan) received 28 May 2013
PLA1/104 F (Fourth Floor Plan) received 28 May 2013
PLA1/105 H (Fifth Floor Plan) received 28 May 2013
PLA1/106 D (Sixth Floor Plan) received 28 May 2013
PLA1/107 E (Roof Plan) received 28 May 2013
WN101/Figure 3.3C (Proposed Improvements to Surry Hard Junction) received 27 February 2013
42285/SK01 Rev A (Flood Defence and Drainage Strategy Site Layout) received as part of Flood Risk Assessment received 14 December 2012
PLA1/100 Rev K (Ground Floor Plan with original approved building outline overlaid) received 21 February 2013

11003/PLA1 (Height Comparison Plan) received 3 June 2013

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

03. No development shall take place (excluding hoardings and associated site security) until details of boundary walls (including retaining walls), railings, fences and gates have been submitted to and approved in writing by the Local Planning Authority and the building shall not be occupied until these have been completed in accordance with the approved details.

Reason: *In the interests of amenity and to comply with saved policies AG1 and AH2 of the Adur District Local Plan.*

04. The building shall not be occupied until the car and cycle parking spaces and access facilities shown on the submitted plans (including those designated for use by residents of the Surry Houseboats) have been provided in accordance with construction details to be submitted to and approved in writing by the Local Planning Authority. The areas so provided shall not thereafter be used for any purpose other than access and parking of vehicles and cycles incidental to the use of the proposed development.

Reason: *In the interests of amenity and 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 for the turning of vehicles clear of the public highway and such spaces shall not thereafter be used other than as turning areas.

Reason: *In the interests of highway safety and having regard to the National Planning Policy Framework.*

06. The accesses from the site to the A259, including the build-out at the Surry Hard/A259 junction, shall be designed, laid out and constructed with kerb radii, visibility splays 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 first occupation of the residential development hereby approved. 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.*

07. The building hereby permitted shall not be occupied until the existing vehicular access to the site has been stopped up permanently and obliterated (including kerbing and footway re-instatement works) in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: *In the interests of highway safety and having regard to the National Planning Policy Framework.*

08. The existing public rights of way to Surry Hard and Tarmount Hard shall remain undisturbed unless and until legally stopped up or diverted prior to the commencement of any of the development hereby permitted. The alignment of the public rights of way shall be protected by being clearly demarcated, signed and fenced, as may be approved by the Local Planning Authority, throughout the course of the development.

Reason: *To safeguard the rights of the public.*

09. 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.*

10. 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 period of 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.*

11. No development (except enabling works) shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. This shall include the planting of replacement trees along the A259 frontage, such trees being 5m-6m high and 18cm-20cm trunk girth at the time of planting. All planting, seeding or turfing comprised in the approved details of 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. For the purposes of this condition, "Enabling Works" shall mean operations comprising site assessment and remediation, archaeological investigation, demolition, site clearance and preparation, diversion and laying of services, the erection of fences and hoardings and the construction of temporary accesses or service roads.

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.*

12. The existing sycamore trees subject to TPO on the site shall not be removed unless and until a contract for the carrying out of the redevelopment scheme hereby permitted has been made.

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.*

13. 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, doors, balconies, fins) and roofs of that part of the development (including the boathouse) 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.*

14. 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 Local Planning Authority.

Reason: *The site is within an area of archaeological significance and it is important that it is recorded by excavation and to comply with saved policy AB1 of the Adur District Local Plan and the policies of the National Planning Policy Framework.*

15. 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 saved policy AP9 Adur District Local Plan and the policies of the National Planning Policy Framework.*

16. No development shall be carried out until the existing warehouse 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 saved policy AG1 of the Adur District Local Plan and the policies of the National Planning Policy Framework.*

17. Unless the Local Planning Authority otherwise gives its prior written approval, if either of the smaller commercial units at the rear of the building is used as a restaurant /café (Class A3), it 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 restaurant/cafe premises by 11.30 PM daily unless the Local Planning Authority otherwise gives its written approval.

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.*

18. No restaurant/cafe shall operate from the commercial units shown on the approved plans site until satisfactory means of extract ventilation (including the filtration and disposal of cooking odours from the kitchens and including necessary sound attenuation measures) have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The system as approved and installed 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.*

19. The commercial floorspace shown on the ground floor plan hereby approved shall only be used for purposes within Class A1, A2, A3 and B1 (a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any equivalent provisions in any Statutory Instrument revoking and re-enacting that Order with or without modification) only and for no other purposes unless the Local Planning Authority otherwise gives its written approval.

    Reason: *In the interests of amenity and to comply with saved policies AH2 and AG1 of the Adur District Local Plan and the policies of the National Planning Policy Framework.*

20. The development hereby permitted shall not be commenced until a scheme for protecting the occupiers of the proposed flats fronting Brighton Road from road traffic noise and those on the west side of the building from noise from the adjoining boat yard 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 building is occupied.

    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.*

21. Prior to the commencement of development, details of the replacement river wall, the floor level of the proposed building and alterations to the ground levels of the site shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in strict accordance with such details as approved and no occupation of the buildings shall take place until the approved works have been completed.

    Reason: *In the interests of amenity, the environment and flood risk avoidance, having regard to saved policy AG1 of the Adur District Local Plan and the policies of the National Planning Policy Framework.*

22. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification), no gate, fence, wall or other means of enclosure (other than temporary site hoardings and associated security) shall be erected except as approved under condition 03 of this permission unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: *In the interests of amenity and the environment and to comply with saved policy AG1 of the Adur District Local Plan and the policies of the National Planning Policy Framework.*

23. No external radio or TV aerial shall be erected or affixed on any individual 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 saved policy AH2 of the Adur District Local Plan and the policies of the National Planning Policy Framework.*

24. 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 details to be submitted to and approved in writing by the Local Planning Authority.

Reason: *In the interests of amenity.*

25. The development hereby permitted shall not be commenced until details of the proposed foul and surface water drainage and means of disposal (including for controlling drainage during the construction period) have been submitted to and approved by the Local Planning Authority and the buildings shall not be occupied until all drainage works have been carried out in accordance with such details as approved 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.

Reason: *To ensure adequate drainage and to comply with saved policy AP4 of the Adur District Local Plan the policies of the National Planning Policy Framework.*

26. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from the proposed car parks or 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 having regard to the policies of the National Planning Policy Framework.*

27. 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 until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the local planning authority:-

    1) A site investigation scheme, based on the completed Phase 1 Geotechnical and Geo-environmental Site Investigation, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
    2) The results of the site investigation and detailed risk assessment referred to in 1) 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.
    3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in 2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

    Any changes to these components shall require the express written consent of the local planning authority. The scheme shall be implemented as approved.

    Reason: *To ensure the protection of controlled waters from potential contamination relating to the former activities of the site and to safeguard public health having regard to the policies of the National Planning Policy Framework.*

28. No occupation of any part of the development hereby approved 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 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.

    Reason: *To ensure any remediation, if deemed necessary, is satisfactorily completed for the protection of controlled waters and public health having regard to the policies of the National Planning Policy Framework.*

29. 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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with, and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: *To ensure that any contamination identified during the demolition or construction works is fully characterised and assessed in order to safeguard against pollution of controlled waters and risk to public health and safety having regard to the policies of the National Planning Policy Framework.*

30. No development shall commence until method statements have been submitted to and approved in writing by the Local Planning Authority relating to:-

-Details of land reclamation, including the nature of the material to be imported and the methods used;
-Construction and working methods, including site access, in the area immediately adjacent to the river;
-Timings and methods for any piling works; Pressure or impact piling shall only be used at low water, when the piling area is clear of water. If pressure/impact piling is to be used, its use shall be restricted to December - June (to miss the incoming sea trout run through the harbour) and ideally at low water (when the piling area is clear of the water so that piles are not driven through the water column). Auger Piling may be used between the months of September and November.

Reason: *A method statement is necessary to ensure that any impacts upon the environment, including the estuary and other habitats, are minimised, having regard to the policies of the National Planning Policy Framework.*

31. Details of the proposed on-site renewable energy generation methods and measures for the efficient environmental performance of the building shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development and shall be completed prior to occupation of the building and thereafter maintained.

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

32. The building hereby approved shall be no higher than 23.93m AOD as shown on the approved plans.

Reason: the interests of amenity and the environment and to comply with saved policy AG1 of the Adur District Local Plan and the policies of the National Planning Policy Framework.

33. The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (FRA) ref:42285 Issue 3, dated December 2012, and the following mitigation measures detailed within the FRA:-

1) Finished floor levels of residential units are set no lower than 5.57m above Ordnance datum (AOD).
2) A scheme for managing surface water, including arrangements for the storage of surface water during periods when system may be tide locked

Reason: *To reduce the risk of flooding to the proposed development and future occupants in accordance with the principles of the National Planning Policy Framework.*

34. The development hereby permitted shall not be commenced until such time as the following have been submitted to, and approved in writing by, the local planning authority:

1) Design details of the proposed on site flood defences, including the flood gates. This should include confirmation that the proposed gates are as few in number as possible.

2) A scheme for the maintenance and operation of the on-site flood defence measures over the lifetime of the development, with assurances in place that the relevant parties have formal responsibility for these structures.

The approved flood defences shall be installed and be operational prior to first occupation of the building and they shall be maintained in accordance with the approved details in (2) above thereafter.

Reason: *To demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere in accordance with the principles of the National Planning Policy Framework.*

35. The development hereby permitted shall not commence until a Flood Risk Emergency Plan has been submitted to and approved in writing by the local planning authority. The approved plan shall be implemented on first occupation of the building and it shall thereafter be monitored annually and the findings submitted to the local planning authority for review and any necessary new measures or interventions shall be implemented accordingly.

Reason: *To ensure the future occupiers of the building are safe in the event of a flood event having regard to the policies of the National Planning Policy Framework.*

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

1: Public Safety, Amenity and Site Security
2: Operating Hours, Noise and Vibration Controls
3: Air and Dust Management
4: Stormwater and Sediment Control
5: Waste and Materials Re-use
6: Traffic Management

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.*

37. Prior to the commencement of the development the applicant shall submit for the written approval of the Local Planning Authority a Travel Plan in accordance with the aims and objectives of the National Planning Policy Framework and in general accordance with the County Council's guidance on Travel Plans. The applicant shall then implement the approved travel plan on occupation of the 50th dwelling. The Travel Plan shall thereafter be monitored annually and the findings submitted to the local planning authority for review and any necessary new measures or interventions shall be implemented accordingly.

Reason: *In order to encourage sustainable methods of travel in accordance with the aims of the National Planning Policy Framework.*

38. No signage shall be displayed on the building or within the site without the prior consent in writing of the local planning authority.

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.*

39. No cables, wires, aerials, pipework, meter boxes, flues, plant, equipment or machinery shall be installed externally on the building unless approved in writing by the local planning authority.

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.*

40. Prior to first occupation of the building hereby approved electric car charging points shall be provided within the site in accordance with details to be submitted to and approved in writing by the local planning authority. The car charging points shall be retained and be made available for use thereafter.

Reason: *To encourage sustainable transport measures with the aim of improving air quality having regard to the policies of the National Planning Policy Framework.*

41. No deliveries to, or despatch of deliveries from, the commercial units hereby approved shall take place except between the hours of 7am and 7pm on Mondays to Fridays and 8am and 1pm on Saturdays. There shall be no deliveries to, or despatch of goods at any time on Sundays or Public Holidays.

    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.*

42. Delivery vehicles to the commercial units hereby approved shall use acoustic friendly reversing alarms only in accordance with details to be submitted to and approved in writing by the local planning authority

    Reason: *To safeguard residential amenity having regard to saved policy AG1 of the Adur District Local Plan and the policies of the National Planning Policy Framework.*

43. The development shall not be occupied until public access to the riverfront, including the provision of a stepped quay to Surry Hard, and the public waterside park have been provided in accordance with detailed plans to be submitted to and approved in writing by the local planning authority.

    Reason: *To ensure the development provides public access to the waterfront in accordance with saved policy AT11 of the Adur District Local Plan.*

44. The development shall not be occupied until the proposed improvements to Surry Boat Yard (specifically the provision of new toilet and shower facilities, post room and refurbished boat yard building) have been provided in accordance with detailed plans to be submitted to and approved in writing by the local planning authority.

    Reason: *To ensure the development incorporates improvements to the existing boat yard in the interests of the visual amenities of the locality having regard to saved policies AG1 and AB16 of the Adur District Local Plan.*

45. 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.*

PTO

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 site incorporates/is bounded by the River Adur, a main river under the jurisdiction of the Environment Agency. Any works whatsoever in, over, or under the channel of this watercourse on its banks or within 15 metres from the landward toe of the tidal wall, would require the prior consent of the Environment Agency under Section 109 of the Water Resources Act 1991 and the Southern Region Byelaws.

03. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Adkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel. 01962 858688) or www.southernwater.co.uk