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Development Control

PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

APPLICATION NUMBER: ADC/0088/07

Julia Riddle
DTZ
One Curzon Street
London
W1A 5PZ

Details of Development
MIXED USE REDEVELOPMENT WITH 79 FLATS, 78-BEDROOM HOTEL AND 627SQM COMMERCIAL (A1 RETAIL/A3 RESTAURANT AND GYM) FLOORSPACE IN 4-STOREY/6-STOREY BUILDINGS WITH CAR AND CYCLE PARKING SPACES, NEW ACCESSES, ALTERATIONS TO PUBLIC HARD AND BOATHOUSE AND PERMANENT HIGH LEVEL PEDESTRIAN BRIDGE OVER A259 TO PROPOSED BUILDINGS.

Location of Development
79 - 81 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 27th February 2007.

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

Your copy of the application, determined as above, is returned herewith for your records.

Keith Morgan
Planning Services Manager

30/11/2007

SCHEDULE

Reasons for Granting Permission

01. The proposed development is within the built-up area and would help meet the need for additional housing and for a hotel without detracting from the existing local urban environment, including the Conservation Area and listed buildings. It can take place without resulting in unacceptable detriment to the amenities of neighbouring properties and without detraction from highway safety. As amended, it would provide safe access during a flood event and it contains adequate measures to safeguard against flood risk. It would consequently not conflict with the relevant policies of the Adur District Local Plan (AG1, AH2, AH5, AB3-4, AB11, AB23, AB25-27, AR20) and the West Sussex Structure Plan 2001-16 (LOC1, NE2, CH1, CH4-5, ERA1-2, ERA4, DEV1, DEV3-5).

Conditions

01. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: *To comply with Section 91 of the Town and Country Planning Act 1990.*

02. 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. The flint facing for the front wall adjoining the A259 shall accord with a sample panel to be constructed on site and approved by the Local Planning Authority.

Reason: *In the interests of amenity and to comply with policies AG1 and AH2 of the Adur District Local Plan and DEV1 of the West Sussex Structure Plan.*

PTO

03. The buildings shall not be occupied until the car and cycle parking spaces and access facilities shown on the amended plans 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: *To ensure adequate provision for parking clear of the highway and to comply with policy AH2 of the Adur District Local Plan and DEV4-5 of the West Sussex Structure Plan.*

04. The buildings hereby permitted shall not be occupied until space has been laid out within the site as shown on the amended 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 interest of highway safety and to comply with policy DEV4 of the West Sussex Structure Plan.*

05. The access from the site to the public highway 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 any other operation or use authorised by this permission is commenced. Thereafter such visibility splays and sight lines shall be kept clear of any obstruction.

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

06. The buildings 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 to comply with policy DEV4 of the West Sussex Structure Plan.*

07. 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 and to comply with policy NE14 of the West Sussex Structure Plan.*

PTO

08. No construction work shall be carried out on site unless there is available within the site in accordance with details approved by the Local Planning Authority provision for temporary parking and loading/unloading of all Contractors vehicles, and for Contractors buildings, plant, and stacks of materials and such provision shall be retained for these purposes throughout the period of work on the site.

Reason: *In the interests of highway safety and amenity and to comply with policy DEV4-5 of the West Sussex Structure Plan.*

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

10. No development 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 8 sycamore 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 policy AB25-27 of the Adur District Local Plan and DEV1 of the West Sussex Structure Plan.*

PTO

11. 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 policy AB25-27 of the Adur District Local Plan and DEV1 of the West Sussex Structure Plan.*

12. No development of any part of the scheme shall be carried out unless and until a schedule of materials and finishes to be used for the external walls (including windows, doors, balconies) and roofs of that part of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: *In the interests of visual amenity and to comply with policy AH2 of the Adur District Local Plan and DEV1 of the West Sussex Structure Plan.*

13. This permission relates to the amended plans 0522/A/0910/02, 0945/05, 0946/06, 0947/04, 0948/04, 0950/07, 0952/04 received on 2 October 2007 and to plans 0522/A/0911/01, 0949/03, 0951/02, 0956/02, 0959/02, 0960/02 and 0961/02 and not to the plans originally submitted.

Reason: *For the avoidance of doubt and because the application as originally submitted was unacceptable having regard to policies AG1, AB16 and AH2 of the Adur District Local Plan and CH4, DEV1 and DEV4-5 of the West Sussex Structure Plan and PPS25.*

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 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 policy AB1 of the Adur District Local Plan and CH7 of the West Sussex Structure Plan.*

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 policy AP9 of the Adur District Local Plan and DEV1 of the West Sussex Structure Plan.*

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

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

PTO

17. Unless the Local Planning Authority otherwise gives its prior written approval, if either of the commercial units is used as a restaurant, 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 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 policy AG1 of the Adur District Local Plan and DEV1 of the West Sussex Structure Plan.*

18. The hotel and restaurant hereby permitted shall not be occupied until satisfactory means of extract ventilation (including the filtration and disposal of cooking odours from the kitchens) 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 and DEV1 of the West Sussex Structure Plan.*

19. The 627 sqm of commercial floorspace (denoted as units 1 and 3 on the approved plan) shall only be used for non-food retail sales (but including sale of sandwiches, confectionery and ice creams), as a restaurant and/or as a gymnasium, whether such use is incidental to the hotel or not, and for no other purposes including other uses within Classes A1, A3, C1 and D2 of the Schedule to the Town and Country Planning (Use Classes) Order1987 (or in any equivalent provisions in any Statutory Instrument revoking and re-enacting that Order with or without modification) unless the Local Planning Authority otherwise gives its written approval.

Reason: *In the interests of amenity and to comply with policies AH2 and AG1 of the Adur District Local Plan and DEV1 of the West Sussex Structure Plan.*

20. The development hereby permitted shall not be commenced until a scheme for protecting the proposed flats and hotel bedrooms from road traffic noise has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be completed before the buildings are occupied.

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

PTO

21. Prior to the commencement of development, details of the replacement river wall, the floor level of the proposed buildings 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 policy AG1 of the Adur District Local Plan and DEV1 and ERA4 of the West Sussex Structure Plan.*

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 site hoardings and associated security shall be erected except as approved under condition 02 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 policy AG1 of the Adur District Local Plan and DEV1 of the West Sussex Structure Plan.*

23. No external radio or T.V. 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 policy AH2 of the Adur District Local Plan and DEV1 of the West Sussex Structure Plan.*

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 and to comply with policy DEV1 of the West Sussex Structure Plan and G12 of the West Sussex Waste Local Plan Deposit Draft.*

PTO

25. The development hereby permitted shall not be commenced until details of the proposed 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. There shall be no discharge of contaminated drainage into either ground water or any surface waters whether direct or via soakaways.

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

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

27. No development approved by this planning permission shall be commenced until:-
a) A desktop study has been carried out by a competent person in accordance with B.S.10175:2001 which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced.

b) A site investigation has been designed for the site in accordance with B.S.10175:2001 using the information obtained from desktop study and any diagrammatical representation (Conceptual Model). This should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:-
-a risk assessment to be undertaken of the risks to human health, ground and surface waters on and off the site, and the wider environment;
-refinement of the Conceptual Model;and
-the development of a Method Statement detailing the remediation requirements and how they are to be undertaken.

c) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been undertaken.

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d) A Method Statement detailing the remediation requirements (including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation) has been submitted to the Local Planning Authority. This shall be approved in writing by the Local Planning Authority prior to that remediation being carried out on the site.

The development of the site shall be carried out in accordance with the approved Method Statement.

Upon completion of the remediation detailed in the Method Statement, a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post-remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met and future monitoring proposals and reporting shall also be detailed in the report.

If, during development, contamination not previously indentified 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, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

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

28. 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 only occur when piles will not be driven through the water column.

Reason: *A method statement is necessary to ensure that any impacts upon the environment, including the esturary and other habitats, are minimised, having regard to PPS9 and policy ERA2 of the West Sussex Structure Plan.*

PTO

29. An ecological enhancement scheme shall be carried out within a period not exceeding 3 months of commencement of occupation of the buildings in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: *To maintain, enhance, restore and add to biodiversity as set out in PPS9 and policy DEV4 of the West Sussex Structure Plan.*

30. Details of the proposed on-site renewable energy generation methods and measures for the efficient environmental performance of the buildings 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 buildings and thereafter maintained.

Reason: *In the interests of amenity and sustainability having regard to policy DEV1 of the West Sussex Structure Plan.*

31. Prior to the commencement of development, details of the construction of the proposed footbridge including associated groundworks shall be submitted to and approved in writing by the Local Planning Authority and the proposed footbridge shall be completed prior to occupation of any of the proposed flats hereby permitted.

Reason: *In the interests of amenity, highway safety and to provide safe, dry access in the event of the public highway being flooded, as required by PPS25 and taking account of policies ENV4 and DEV1 of the West Sussex Structure Plan.*