Adur District Council

Development Management

Mr Sam Sykes
ECE Planning Limited
Brooklyn Chambers
11 Goring Road
Worthing
BN12 4AP

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/0098/18

Details of Development
ERECTION OF 14 COMMERCIAL UNITS IN THREE BLOCKS FOR USE CLASSES B1 (BUSINESS) AND B8 (STORAGE OR DISTRIBUTION) WITH ASSOCIATED CAR PARKING, CYCLE STORAGE AND LANDSCAPING.

Location of Development
LAND SOUTH OF UNITS 1 TO 7 LADY BEE INDUSTRIAL PARK ALBION STREET SOUTHWICK 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 16th January 2018.

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
24/04/2018

Adur District Council
Adur District Council, Development Management, Economy Directorate,
Portland House, 44 Richmond Road, Worthing, West Sussex, BN11 1HS
Tel: 01903 221065 Fax: 01903 221072 Minicom: 01903 204500
DX: 142965 Worthing 10 Web: www.adur-worthing.gov.uk

SCHEDULE

Conditions

01. The development hereby permitted shall be carried out in accordance with the following approved plans unless specified otherwise in a subsequent condition imposed on this decision notice.

Reference/Drawing Number	Version	Date Rec
S, N & EAST ELEVATION BLOCK 3	Drg No 007 P3	07.03.2018
WEST ELEVATION BLOCK 1/3	Drg No 008 P3	07.03.2018
EAST ELEVATION BLOCKS 1/2	Drg No 009 P3	07.03.2018
ELEVATIONS & SECTIONS AA -CC	Drg No 010 P2	07.03.2018
ELEVATIONS & PLANS	Drg No 011 P2	07.03.2018
FIRST FLOOR PLAN	Drg No 006 P2	12.02.2018
SITE/ROOF PLAN	Drg No 004 P2	12.02.2018
3D VISUAL EAST ELEVATION	Drg No 012 P1	12.02.2018
AIR QUALITY ASSESSMENT		16.01.2018
SITE SURVEY RED BOUNDARY	Drg No 003 P1	16.01.2018
SUSTAINABILITY REPORT	Rev 1	16.01.2018
FRA		16.01.2018
TRANSPORT STATEMENT	Ref 6986	16.01.2018
PLANNING STATEMENT		16.01.2018
GEO-ENVIRONMENTAL DATA & MAPS	Report R17-12444/map	16.01.2018
PRELIMINARY GROUND CONTAMINATION	Report R17-12444/ds	16.01.2018
GROUND FLOOR PLAN	Drg No 005 P1	16.01.2018
DAS		16.01.2018
LOCATION PLAN	Drg No 001 P1	16.01.2018
BLOCK PLAN	Drg No 002 P1	16.01.2018
EXISTING SITE SECTIONS	Drg No 003A P1	16.01.2018

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

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

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

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

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

Reason: *In the interests of highway safety and the amenities of the area having regrd to policies 15, 28 and 34 of the Adur Local Plan.*

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

(1) A preliminary risk assessment which has identified:-

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors; and
- potentially unacceptable risks arising from contamination at the site.

(2) A site investigation scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: *To prevent pollution of groundwater and in the interests of environmental protection and public health and safety, in compliance with the National Planning Policy Framework and policies 34 and 35 of the Adur Local Plan.*

05. No above ground development shall take place until full details of all hard and soft landscaping works (to include specific details of the coastal species to be planted) and the proposed times of planting have been approved in writing by the Local Planning Authority and all soft landscape works shall be carried out in accordance with those details and at those times. Any plants which within a period of five years from the time of planting 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.

Reason: *In the interests of visual amenity and the environment and to comply with policies 15, 30 and 31 of the Adur Local Plan.*

06. Construction of the development (excluding demolition) hereby approved shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall thereafter be constructed in accordance with the approved details.

Reason: *To ensure adequate drainage and to comply with the National Planning Policy Framework and policy 36 of the Adur Local Plan.*

07. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (January 2018) and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 5.00 metres above Ordnance Datum (AOD).

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

Reason: *To reduce the risk of flooding and in the interests of the safety of the occupants having regard to the National Planning Policy Framework and policy 36 of the Adur Local Plan.*

08. The secure, covered cycle parking for employees and the visitor cycle parking spaces shown on the plans shall be provided prior to commencement of use of the buildings hereby approved and shall thereafter be retained permanently solely for such purposes.

Reason: *To encourage and provide for a sustainable non-car mode of transport in compliance with the National Planning Policy Framework and having regard to policies 15 and 28 of the Adur Local Plan.*

09. No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plans. These spaces shall thereafter be retained for their designated use.

Reason: *To provide adequate on-site car parking and turning space for the development having regard to policies 15 and 28 of the Adur Local Plan.*

10. No above ground development shall commence until details of the number and location of proposed electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. The approved charging points shall be provided prior to first use of the buildings and shall be retained thereafter.

Reason: *To reduce emissions associated with the development in the interest of sustainability and having regard to policy 34 of the Adur Local Plan.*

11. No above ground development shall be carried out unless and until a schedule and samples of materials and finishes to be used for the external walls (including windows and doors) and roofs of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved schedule.

Reason: *In the interests of visual amenity and to comply with policy 15 of the Adur Local Plan.*

12. No building on the site shall be occupied until the associated communal facilities for storing refuse and waste, including for waste that can be recycled, have been provided in accordance with the approved plans. Such facilities as provided shall thereafter be retained and used only for the storage of refuse and re-cycling waste.

    Reason: *To ensure satisfactory facilities for the storage and disposal of refuse in the interests of hygiene and visual amenity and to minimise landfill having regard to the National Planning Policy Framework.*

13. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), the premises shall be used only for purposes within Use Classes B1 and B8 as defined in the Town and Country Planning (Use Classes) Order 1987 or in any equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification.

    Reason: *In the interest of amenity and to ensure the buildings are protected for business use having regard to policy 25 of Adur District Local Plan.*

14. No raw materials, finished or unfinished products or parts, crates, packing materials, nor any other items shall be stacked, stored or displayed on the site except within the buildings or within enclosed storage areas approved in writing by the Local Planning Authority.

    Reason: *In the interests of amenity and highway safety having regard to policies 15 and 28 of the Adur Local Plan.*

15. No external working shall take place anywhere on the site and all working shall be confined to within the buildings.

    Reason: *In the interests of amenity and to retain adequate off-street parking space and to comply with policies 15 and 28 of the Adur Local Plan.*

16. 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 policies 15 and 34 of the Adur Local Plan.*

17. No roof plant or other externally-sited plant or machinery (including air conditioning/handling equipment) other than hereby approved shall be installed unless as agreed in writing with the Local Planning Authority.

    Reason: *In the interests of amenity and the environment having regard to policy 15 of the Adur Local Plan.*

18. No working, trade or business whatsoever (including arrival, reception or despatch of deliveries) shall take place on the premises except between the hours of:-

    6.00 am and 10.00 pm on any day

    Reason: *In the interests of amenity having regard to policies 15 and 34 of the Adur Local Plan.*

19. The development shall not be occupied unless and until a full BREEAM assessment has been completed by a licensed assessor and confirmation has been submitted to the local planning authority that the development has achieved the BREEAM Very Good standard.

    Reason: *To ensure that the development is sustainable and makes efficient use of energy, water and materials having regard to the National Planning Policy Framework and policy 18 of the Adur Local Plan.*

Informatives / Notes to Applicant

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

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

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

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YOUR ATTENTION IS DIRECTED TO THE FOLLOWING NOTES FROM THE ABOVE ORDER. THEY ARE FOR INFORMATION ONLY AND DO NOT PRETEND TO SET OUT THE WHOLE OF THE LAW ON THE SUBJECT. IT WOULD BE WELL FOR YOU TO CONSULT YOUR SOLICITOR IF YOU ARE IN ANY DOUBT

Appeals to the Secretary of State

1. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

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

3. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances, which excuse the delay in giving notice of appeal.

4. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

5. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

6. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

7. In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Planning Act 1990.

8. Further correspondence about this application should quote the reference number at the top right hand corner of the form.

9. Where this notice conveys approval or permission, conditional or unconditional, please note that the decision given does not purport to convey any consent or approval which may be required under the Building Act and Building Regulations, or any other legislation.

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

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

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

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