Worthing
BOROUGH COUNCIL

Portland House
Richmond Road
Worthing BN11 1LF

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APPLICATION NO. WB/09/0146/ARM

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1988 (AS AMENDED)

Mr P Burley
Montagu Evans
Clarges House
6-12 Clarges Street
London
W1J 8HB

PROPOSAL: Application for Approval of Reserved Matters following Outline Approval WB/05/0245/OUT for the redevelopment of the existing district centre to provide a new district centre incorporating a Tesco superstore, shopper cafe, unit shops, community centre and associated car parking and access arrangements (including diversion of public footpath)

LOCATION : Tesco Supermarket West Durrington Shopping Centre New Road Worthing

DATE REGISTERED 30th March 2009

APPLICANT : Tesco Stores Ltd

WORTHING BOROUGH COUNCIL, under the above Act and Order, gives you notice that its decision upon your application described above and in plans which accompanied the application, or as subsequently amended prior to consideration, is to

GRANT APPROVAL OF RESERVED MATTERS subject to the following conditions:-

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

   Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

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Dated : 25th September 2009

Executive Head of Planning,
Regeneration and Wellbeing

Note: Your attention is drawn to the notes and advice overleaf.

2. At all times following the opening of the unit shops, a shop window display shall be provided in the glazed sections of the units shops on the east elevation and the north elevation of the proposed development.

   Reason: In the interests of visual amenity.

3. The Dotcom parking area on the north side of the car park shall only be used for the parking of delivery vehicles and at no time shall these vehicles be left with engines or refrigeration units running.

   Reason: To protect the amenities of neighbouring properties.

4. Dotcom deliveries shall only be undertaken between the hours of 08:00 hours and 23:00 hours and the cooling process in relation to the Dotcom vehicles shall only be undertaken between the hours of 07:00 hours and 23:00 hours.

   Reason: To protect the amenities of neighbouring properties.

5. At no time shall delivery vehicles arrive at the site before 06:00 hours and no delivery vehicles shall wait within the internal access road or parking areas before this time.

   Reason: To protect the amenities of neighbouring properties.

6. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

   Reason: In accordance with Planning Policy Statement 25 : Development and Flood Risk" (PPS25), PPS23 : "Development and Pollution Control", PPS1 : "Delivering Sustainable Development" and PPS9 : "Biodiversity and Geological Conservation". To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these.

7. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water from parking areas and hardstandings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity compatible with the site being drained. Roof water shall not pass through the interceptor. On going maintenance of the interceptor shall be provided in accordance with the manufacturer's instructions.

   Reason: In accordance with PPS23. To ensure that the development complies with approved details in the interests of the protection of Controlled Waters.

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8. Prior to the occupation and operation of the approved new superstore, a scheme to mitigate the loss of habitat due to the impact of the proposed development on the watercourse shall be submitted to and approved in writing by the Local Planning Authority. Those works shall be undertaken and completed prior to occupation of the store unless otherwise agreed in writing. Thereafter the development shall be implemented and retained in accordance with the approved scheme.

   Reason: In accordance with PPS9, development that encroaches on the watercourse has a potentially severe impact on its ecological value. PPS9 states that where proposed development would cause significant adverse impacts on biodiversity interests, which cannot be prevented or adequately mitigated against; appropriate compensatory measures should be sought.

9. Prior to the occupation and operation of the approved new superstore, a scheme for the provision and management of a minimum of a 5 metre buffer zone alongside the watercourse to the west of the site shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority. The scheme shall include:

   i) plans showing the extent and layout of the buffer zone;

   ii) details of the planting scheme (for example, native species);

   iii) details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term;

   iv) details of any footpaths, fencing, lighting etc.

   v) details of protected fencing to be agreed prior to commencement of development and retained until the details above have been agreed.

   Reason: In accordance with PPS1, PPS9 and UKBAP. To protect the buffer zone around the watercourse to the west of the site and prevent adverse impact on nature conservation. Development that encroaches on watercourses has a potentially severe impact on their ecological value. This is contrary to PPS1 and PPS9 and to UKBAP. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. Article 10 of the Habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change.

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10. Prior to the occupation and operation of the approved new superstore, full details of site enhancements shall be submitted to and approved in writing by the Local Planning Authority. These should address retention and enhancement of the ecological connectivity of the site and include appropriate ecological enhancements. Thereafter, the scheme shall be completed in accordance with the approved plans. The watercourse running to the West of the site offers an opportunity to achieve some good enhancements due to its poor quality and overgrown state.

    Reason: In accordance with PPS1, PPS9 and the South East Plan. This is a large scale development and ecological enhancements should be an intrinsic part of the plans. This is in keeping with PPS1, PPS9 and the South East Plan. Policy NRM5 of the South East Plan seeks to avoid a net loss of biodiversity and to actively pursue opportunities to achieve a net gain of biodiversity across the region. PPS9 states how planning decisions should maintain, enhance, restore and add to biodiversity interests, and recognises that development proposals provide opportunities for including beneficial biodiversity features as part of good design. Furthermore, PPS9 recognises the need to maintain, strengthen and integrate networks of natural habitats within development. Fragmentation and isolation of habitats should be avoided.

11. Prior to the first occupation of the development, a wall shall be provided around the sub-station/transformer, a fence shall be provided around the Dotcom parking area to the south of Canberra Road as shown on the approved drawings, and an acoustic fence shall be provided to the rear of Nos. 45 to 49 Canberra Road in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

    Reason: In the interests of the amenity of the occupiers of neighbouring properties.

12. All delivery vehicles serving the supermarket hereby approved shall only arrive and depart from the western access off Fulbeck Avenue, once constructed, other than Dotcom vehicles being moved from the parking area to the east of the District Centre to the delivery yard. The acoustic gates to the Delivery Yard, shown on the approved plans, shall be installed prior to the first use of the Delivery Yard and shall be kept closed at all times when not in use.

    Reason: To accord with the terms of the planning application and in the interests of amenity of existing and proposed residential dwellings.

INFORMATIVES

The decision to grant planning permission has been taken having regard to the saved policies and proposals in the Worthing Local Plan 2003 and the South East Plan 2009 set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

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Saved Worthing Local Plan Policies 2003

BE1 - Design Quality
H4 - Type and Size of New Housing
H18 - Amenity of Residents
RES2 - Renewable Energy
SC1 - Facilities acceptable in District and Neighbourhood Centres
TR9 - Parking requirements for development

South East Plan 2009

C2 - The South Downs
C3 - Areas of Outstanding Natural Beauty
CC1 - Sustainable Development
CC2 - Climate Change
CC4 - Sustainable Design and Construction
CC6 - Sustainable Communities and Character of the Environment
CC7 - Infrastructure and Implementation
LF7 - Town Centres
M1 - Sustainable Construction
NRM4 - Sustainable Flood Risk Management
NRM10 - Noise
NRM11 - Development Design for Energy Efficiency and Renewable Energy
NRM12 - Combined Heat and Power
NRM13 - Regional Renewable Energy Targets
S6 - Community Infrastructure
SCT2 - Enabling Economic Regeneration
SP3 - Urban Focus and Urban Renaissance
SP4 - Regeneration and Social Inclusion
T4 - Parking
T5 - Travel Plans and Advice
W2 - Sustainable Design, Construction and Demolition

West Durrington Development Brief 2003

In addition, the Development Control Committee had regard to the outline planning permission which established the principle of the development, including the level of floorspace and the provision of the western access. Due consideration was given to concerns regarding the design of the development but Members felt that a contemporary design was appropriate in this location given the need to keep the height of the development as low as possible and the revised elevations were considered to be of an acceptable design. In terms of residential amenity the Committee considered that the provision of acoustic fencing and conditions in relation to hours of use, the operation of Dotcom vehicles and maximum noise levels would ensure that the development would not materially affect the amenities of adjoining residents to the extent that a refusal of planning permission could be justified.

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This information is only intended as a summary of the reasons for grant of planning permission. For further details on the decision please see the application report which is available from the Planning Reception at Portland House, Richmond Road, Worthing.