ADUR DISTRICT COUNCIL

Mr Luke Carter
Lewis & Co Planning SE Ltd
2 Port Hall Road
Brighton
BN1 5PD

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/1606/18

Details of Development
ERECTION OF 7NO. INDUSTRIAL UNITS FOR USE CLASSES B1 (BUSINESS) AND B8 (STORAGE OR DISTRIBUTION) ON EAST SIDE OF SITE WITH ASSOCIATED PARKING AND REFUSE STORAGE.

Location of Development
OCEAN VIEW BUSINESS PARK GARDNER ROAD 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 24th October 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
28/08/2019

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
TRANSPORT STATEMENT		18.02.2019
ROOF PLANS & LOCATION PLAN	ADC819/15 Rev B	15.11.2018
TOPOGRAPHICAL SURVEY	ADC819/19	15.11.2018
ELEVATIONS & SECTION	ADC819/17 Rev A	07.06.2019
TYPICAL GRD FLR PLANS	ADC819/18 Rev B	07.06.2019
GROUND FLOOR PLAN	ADC819/16 Rev C	07.06.2019
BLOCK PLAN	ADC819/13 Rev F	07.06.2019
AMENDED SITE PLAN		27.08.2019

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 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 units hereby approved 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.*

04. 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), no windows or other openings (other than as hereby approved) shall be formed in the rear wall or roofslope of the units hereby approved.

Reason: *To prevent overlooking and to comply with policy 15 of the Adur Local Plan.*

05. 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 units hereby approved 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 having regard to policy 15 of the Adur Local Plan.*

06. No working, trade or business whatsoever (including arrival, reception or despatch of deliveries) shall take place at the units hereby approved except between the hours of:-

8am and 6pm Monday to Friday and 9am to 1pm Saturday, with no use on Sundays or Bank Holidays

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

07. 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. The development shall be carried out in accordance with the approved Management Plan which shall be adhered to throughout the entire construction period. The Plan shall provide for:-

(i) the anticipated number, frequency and types of vehicles used during construction
(ii) the method of access and routing of vehicles during construction
(iii) the parking of vehicles of site operatives and visitors;
(iv) loading and unloading of plant and materials;
(v) storage of plant and materials used in constructing the development;
(vi) the erection and maintenance of security hoarding;
(vii) wheel-washing facilities and other works required to mitigate the impact of construction upon the public highway;
(viii) details of public engagement both prior to and during construction works
(ix) measures to control the emission of dust and dirt during construction; and
(x) a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

08. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no external plant or machinery shall be installed, erected or replaced for the units hereby approved without the prior written approval of the Local Planning Authority.

Reason: *In the interests of amenity and the environment and to comply with policies 15 and 34 of the Adur Local Plan.*

09. No storage in connection with the units hereby approved shall take place in the open on any part of the site to which this permission relates.

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

10. No external working shall take place in connection with the units hereby approved and all working shall be confined to within the units only.

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.*

11. The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect/ divert the public water supply main, prior to the commencement of the development.

Reason: *In order to protect existing infrastructure having regard to policies 29 and 35 of the Adur Local Plan.*

12. None of the units hereby approved shall be first occupied until the car parking and turning spaces have been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for use in connection with the units subject of this application.

Reason: *To provide car parking space for the use having regard to policy 28 of the Adur Local Plan.*

13. None of the units hereby approved shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for use in connection with the units subject of this application.

Reason: *To provide alternative travel options to the use of the car in accordance with policy 28 of the Adur Local Plan.*

14. None of the units hereby approved shall be first occupied until the lorry parking and turning spaces have been constructed in accordance with the approved block plan. These spaces shall thereafter be retained for their designated use and shall be kept clear of obstruction at all times.

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

15. None of the units hereby approved shall be occupied until a Servicing Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall set out the arrangements for the loading and unloading of deliveries, in terms of location and frequency, and shall set out arrangements for the collection of refuse. Once occupied the use shall be carried out only in accordance with the approved Plan.

    Reason: *To safeguard the operation of the public highway having regard to policy 28 of the Adur Local Plan.*

16. 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 units hereby approved shall not be extended or altered externally.

    Reason: *In the interests of amenity and the environment and to comply with policies 15 and 28 of the Adur Local Plan.*

17. 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.*

18. The development hereby permitted shall not be occupied until trees and shrubs of a species and density to be approved in writing by the Local Planning Authority have been planted along the eastern and southern boundaries of the site. In the event that any such trees or shrubs die or become seriously damaged or diseased within a period of five years following planting they 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 and 30 of the Adur Local Plan.*

19. The units hereby approved shall not 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.*

20. The development hereby permitted shall not be commenced until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved by the Local Planning Authority and the units hereby approved 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 the National Planning Policy Framework and policy 36 of the Adur Local Plan.*

21. None of the units hereby approved shall be occupied until a 2.5m high acoustic fence has been erected along the eastern boundary in accordance with details to be submitted to and approved in writing by the Local Planning Authority and it shall thereafter be retained permanently.

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

22. The development hereby approved shall be constructed to maximise the efficiency of the use of energy, water and materials and to meet the equivalent of the BREEAM Very Good rating in accordance with details to be submitted to and approved in writing by the local planning authority before any construction takes place above slab level. The units hereby approved shall not thereafter be occupied unless and until a BREEAM Design State Certificate and a BRE-issued Post-Construction Review Certificate confirming that the development has achieved a BREEAM rating of 'Very Good' has been submitted to the Local Planning Authority.

    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 policies 1, 15, 18, 20, 31 of the Adur Local Plan.*

23. The units hereby approved shall not be occupied until a minimum of two electric vehicle charging points have been provided and are available for use, in accordance with details to be submitted to and approved in writing by the local planning authority prior to any development taking place above slab level.

    Reason: *To ensure that the development is sustainable and makes provision for the use of electric vehicles having regard to the National Planning Policy Framework and policies 1, 15, 18, 20, 31 of the Adur Local Plan.*

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.

Ref: AWDM/1606/18

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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.

6. If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Purchase Notices

7. 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.

8. 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.

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

10. 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).