ADUR DISTRICT COUNCIL

Mr Jamie Loxley
MSA
11 Plato Place
St Dionis Road
London
SW6 4TU

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/0343/22

Details of Development
ERECTION OF A BUILDING FOR B8 STORAGE AND DISTRIBUTION USE (WITH ANCILLARY OFFICES), CAR PARKING, SERVICE YARD AREAS AND ASSOCIATED WORKS.

Location of Development
5 COMMERCE WAY LANCING BUSINESS PARK SOMPTING WEST SUSSEX BN15 8TA

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 2nd March 2022.

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
05/07/2022

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
GROUND INVESTIGATION INTERPRETIVE REPORT	21-008 V3 PART 1	02.03.2022
GROUND INVESTIGATION INTERPRETIVE REPORT	21-008 V3 PART 2	02.03.2022
GROUND INVESTIGATION INTERPRETIVE REPORT	21-008 V3 PART 3	02.03.2022
SURFACE & FOUL WATER DRAIANAGE STRATEGY	21-008 V4	02.03.2022
BREEAM PRE-ASSESSMENT REPORT	23 Feb 2022	02.03.2022
LOCATION PLAN	2346-L01	02.03.2022
PROPOSED LAYOUT	2346-P01	02.03.2022
PROPOSED GROUND FLOOR PLAN	2346-P02	02.03.2022
PROPOSED FIRST FLOOR PLAN	2346-P03	02.03.2022
PROPOSED ROOF PLAN	2346-P04	02.03.2022
PROPOSED SECTION	2346-P06	02.03.2022
PROPOSED STREETSCENE	2346-P07	02.03.2022
DESIGN & ACCESS STATEMENT	2346-PGB-01	02.03.2022
EXISTING LAYOUT	2346-X01	02.03.2022
EXISTING ROOF PLAN	2346-X02	02.03.2022
EXISTING ELEVATIONS	2346-X03	02.03.2022
EXISTING STREETSCENE	2346-X04	02.03.2022
PLANNING STATEMENT	Feb 2022	02.03.2022
TRANSPORT STATEMENT 1		02.03.2022
ENERGY STATEMENT	M398/21 Rev 02	02.03.2022
EXTERNAL LIGHTING	M398/21/11 P1	02.03.2022

Reference/Drawing Number	Version	Date Rec
ILLUMINANCE LEVELS	M398/21/12 P1	02.03.2022
TRAVEL PLAN	Feb 2022	02.03.2022
AIR QUALITY ASSESSMENT	AQ051929 V2 FINAL	02.03.2022
DRAINAGE LAYOUT	21-008D/300 P8	27.05.2022
FULL NETWORK CALCS	21-008	27.05.2022
IMPERMEABLE AREAS	21-008D/SK01 P1	06.04.2022
FURTHER DRAINAGE INFORMATION	21-008-NDH-22-016-C	06.04.2022
PROPOSED ELEVATIONS	2346-P05-A	28.03.2022

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. The premises shall be used only for Class B8 use with ancillary offices and for no other use of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any Statutory Instrument revoking and re-enacting that Order with or without modification).

Reason: *In the interests of safeguarding the unit for employment use having regard to policy 25 of the Adur Local Plan.*

04. No development above slab level shall be carried out unless and until a schedule of materials and finishes to be used for the external walls (including windows and doors) and roof of the proposed building 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.*

05. The use hereby permitted shall not be carried on unless and until details of all operational phase air quality mitigation measures have been submitted to and approved in writing by the Local Planning Authority. The mitigation shall be equal to a value of ££6,541, as identified in the emissions mitigation assessment contained within the Air Quality Assessment (ref. AQ051929 dated 02/02/2022) and provided as part of the application.

Reason: *In order to mitigate for the air quality impacts of the development having regard to policy 34 of the Adur Local Plan.*

06. The development hereby permitted shall be carried out in full accordance with the recommendations provided in Section 11 of The Ground Investigation Interpretive Report (Date: 22nd February 2022 Issue: V3 Reference: 21-008). If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol/diesel/solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until it has been investigated by the developer. The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing 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.*

07. Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times.
Monday - Friday 08:00 - 18:00 Hours
Saturday 09:00 - 13:00 Hours
Sundays and Bank Holidays no work permitted

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

08. 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 amenity having regard to policies 28 and 34 of the Adur Local Plan.*

09. No part of the development 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 by the Local Planning Authority.

Reason: *To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.*

10. The building shall not be occupied until the parking spaces (including the Electric Vehicle charging spaces) and access facilities shown on the submitted plans have been provided in accordance with construction details to be submitted to and approved in writing by the Local Planning Authority. The areas of land so provided shall not thereafter be used for any purpose other than access and parking of vehicles incidental to the use of the premises concerned.

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

11. The energy efficiency and sustainability measures as set out in the approved Energy Statement and BREAAM pre-assessment report shall be fully implemented prior to occupation.

Reason: *In order to provide a sustainable and energy efficient development having regard to policies 18 and 19 of the Adur Local Plan.*

12. No development shall commence until the measures to be undertaken to protect/divert the public water supply main have been submitted to and agreed in writing by Southern Water. Such measures as approved shall be implemented throughout the course of the development.

Reason: *In order to protect infrastructure having regard to policy 36 of the Adur Local Plan.*

13. Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels will be required to support the design. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: *To ensure adequate drainage and to comply with the National Planning Policy Framework and policy 36 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. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact the Area Highway Manager (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

03. The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:

    https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/

    Online applications can be made at the link below, alternatively please call 01243 642105.

    https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-applicationform/

04. All design storms must include a climate change allowance, as per https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances, on stored volumes or rainfall intensity. All surface water drainage design must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 40%). Further detail regarding our requirements are available on the following webpage https://www.adur-worthing.gov.uk/planning/applications/submit-fees-forms. A surface water drainage checklist is available on this webpage. This clearly sets out our requirements for avoiding pre-commencement conditions, or to discharge conditions

05. You are advised to consider providing additional cycle parking and solar panels to that shown on the submitted plans in the interests of sustainability.

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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 the decision relates to a householder application or minor commercial application, and you want to appeal, then you must do so within 12 weeks of the date of this notice. If the decision relates to express consent for the display of an advertisement, then you must do so within 8 weeks of the date of this notice. If the decision relates to a non-householder application, an appeal must be lodged within 6 months of the date of the decision notice. Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://acp.planninginspectorate.gov.uk.

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. 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..

7. 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).