Adur District Council

Development Management

Mr Edmond Daly
WN Developments Ltd
13 College Road
Bedford
MK42 9PL

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/0601/15

Details of Development
APPLICATION FOR A MINOR MATERIAL AMENDMENT TO PLANNING PERMISSION AWDM/0501/12 TO INCREASE HEIGHT OF RETAINING WALL TO INFILLED SLIPWAY AT SURRY HARD BY 0.3M.

Location of Development
FORMER 79-81 BRIGHTON ROAD SHOREHAM-BY-SEA WEST SUSSEX BN43 6RE

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 29th June 2015.

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
27/09/2016

Adur District Council
Adur District Council, Development Management, Economy Directorate,
Portland House, 44 Richmond Road, Worthing, West Sussex, BN11 1HS
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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
S1-004	Rev B	29.06.2015
PLA3 001	Rev A	29.06.2015

Plus those drawings listed at Condition 2 of planning permission AWDM/0501/12 and those drawings and documents listed with the letter approving details pursuant to conditions attached to AWDM/0501/12 dated 9 June 2015.

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

02. The boundary walls (including retaining walls), railings, fences and gates shall be provided in accordance with the details approved 9 June 2015 and the building shall not be occupied until these boundary features have been completed in accordance with the approved details.

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

03. The building shall not be occupied until the car and cycle parking spaces and access facilities shown on the submitted plans (including those designated for use by residents of the Surry Houseboats) 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: *In the interests of amenity and highway safety and having regard to the National Planning Policy Framework.*

04. The building hereby permitted shall not be occupied until space has been laid out within the site as shown on the submitted 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 interests of highway safety and having regard to the National Planning Policy Framework.*

05. The accesses from the site to the A259, including the build-out at the Surry Hard/A259 junction, 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 first occupation of the residential development hereby approved. Thereafter such visibility splays and sight lines shall be kept clear of any obstruction.

Reason: *In the interests of highway safety and having regard to the National Planning Policy Framework.*

06. The building 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 having regard to the National Planning Policy Framework.*

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.*

08. No construction work shall be carried out on site unless there is available within the site in accordance with the details approved 9 June 2015 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.*

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 9 June 2015 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.*

10. All planting, seeding or turfing comprised in the details of landscaping approved 9 June 2015 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 saved policies AB25-27 of the Adur District Local Plan and the policies of the National Planning Policy Framework.*

11. The development shall be carried out in accordance with the schedule and samples of materials and finishes to be used for the external walls (including windows, doors, balconies, fins) and roofs of the development, approved 9 June 2015.

Reason: *In the interests of visual amenity and to comply with saved policy AG1 of the Adur District Local Plan and the policies of the National Planning Policy Framework.*

12. The development shall be carried out in accordance with the programme of archaeological work approved 9 June 2015.

Reason: *The site is within an area of archaeological significance and it is important that it is recorded by excavation and to comply with saved policy AB1 of the Adur District Local Plan and the policies of the National Planning Policy Framework.*

13. 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 saved policy AP9 Adur District Local Plan and the policies of the National Planning Policy Framework.*

14. Unless the Local Planning Authority otherwise gives its prior written approval, if either of the smaller commercial units at the rear of the building is used as a restaurant /café (Class A3), 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 restaurant/cafe 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 saved policy AG1 of the Adur District Local Plan and the policies of the National Planning Policy Framework.*

15. No restaurant/cafe shall operate from the commercial units shown on the approved plans site until satisfactory means of extract ventilation (including the filtration and disposal of cooking odours from the kitchens and 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.*

16. The commercial floorspace shown on the ground floor plan hereby approved shall only be used for purposes within Class A1, A2, A3 and B1 (a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any equivalent provisions in any Statutory Instrument revoking and re-enacting that Order with or without modification) only and for no other purposes unless the Local Planning Authority otherwise gives its written approval.

Reason: *In the interests of amenity and to comply with saved policies AH2 and AG1 of the Adur District Local Plan and the policies of the National Planning Policy Framework.*

17. The development hereby permitted shall be carried out in accordance with the scheme for protecting the occupiers of the proposed flats fronting Brighton Road from road traffic noise and those on the west side of the building from noise from the adjoining boat yard, approved 9 June 2015. All works which form part of the approved scheme shall be completed before the building is occupied.

Reason: *In the interests of amenity and to comply with saved policy AG1 of the Adur District Local Plan and the policies of the National Planning Policy Framework.*

18. The replacement river wall, the floor level of the proposed building and alterations to the ground levels of the site shall be carried out in strict accordance with details approved 9 June 2015 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 saved policy AG1 of the Adur District Local Plan and the policies of the National Planning Policy Framework.*

19. 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 gate, fence, wall or other means of enclosure (other than temporary 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 saved policy AG1 of the Adur District Local Plan and the policies of the National Planning Policy Framework.*

20. No external radio or TV 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 saved policy AH2 of the Adur District Local Plan and the policies of the National Planning Policy Framework.*

21. 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.*

22. The buildings shall not be occupied until all drainage works have been carried out in accordance with the drainage details as approved 9 June 2015. 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 saved policy AP4 of the Adur District Local Plan the policies of the National Planning Policy Framework.*

23. 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 having regard to the policies of the National Planning Policy Framework.*

24. The development shall be implemented in accordance with the Geo-Environmental Assessment approved 9 June 2015.

Reason: *To ensure the protection of controlled waters from potential contamination relating to the former activities of the site and to safeguard public health having regard to the policies of the National Planning Policy Framework.*

25. No occupation of any part of the development hereby approved shall take place until a verification report demonstrating completion of 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 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. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: *To ensure any remediation, if deemed necessary, is satisfactorily completed for the protection of controlled waters and public health having regard to the policies of the National Planning Policy Framework.*

26. If, during development, contamination not previously identified 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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with, and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: *To ensure that any contamination identified during the demolition or construction works is fully characterised and assessed in order to safeguard against pollution of controlled waters and risk to public health and safety having regard to the policies of the National Planning Policy Framework.*

27. The development shall take place in strict accordance with the method statements approved 9 June 2015 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, it's use shall be restricted to December - June (to miss the incoming sea trout run through the harbour) and ideally at low water (when the piling area is clear of the water so that piles are not driven through the water column). Auger Piling may be used between the months of September and November.

Reason: *A method statement is necessary to ensure that any impacts upon the environment, including the estuary and other habitats, are minimised, having regard to the policies of the National Planning Policy Framework.*

28. The development shall be carried out in accordance with the details of the renewable energy measures approved 9 June 2015 and such measures shall be provided and completed prior to occupation of the building and thereafter maintained.

Reason: *In the interests of amenity and sustainability having regard to the policies of the National Planning Policy Framework.*

29. The building hereby approved shall be no higher than 23.93m AOD as shown on the approved plans.

Reason: the interests of amenity and the environment and to comply with saved policy AG1 of the Adur District Local Plan and the policies of the National Planning Policy Framework.

30. The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (FRA) ref:42285 Issue 3, dated December 2012, and the following mitigation measures detailed within the FRA:-

    1) Finished floor levels of residential units are set no lower than 5.57m above Ordnance datum (AOD).
    2) A scheme for managing surface water, including arrangements for the storage of surface water during periods when system may be tide locked

    Reason: *To reduce the risk of flooding to the proposed development and future occupants in accordance with the principles of the National Planning Policy Framework.*

31. The development hereby permitted shall be carried out in accordance with the flood defence details approved 9 June 2015. The approved flood defences shall be installed and be operational prior to first occupation of the building and they shall be maintained in accordance with the approved details in (2) above thereafter.

    Reason: *To demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere in accordance with the principles of the National Planning Policy Framework.*

32. The approved Flood Risk Emergency Plan shall be implemented on first occupation of the building and it shall thereafter be monitored annually and the findings submitted to the local planning authority for review and any necessary new measures or interventions shall be implemented accordingly.

    Reason: *To ensure the future occupiers of the building are safe in the event of a flood event having regard to the policies of the National Planning Policy Framework.*

33. The development shall be carried out in accordance with the Construction Management Plan approved 9 June 2015.

    Reason: *In the interests of amenity and the environment having regard to the policies of the National Planning Policy Framework.*

34. The applicant shall implement the travel plan approved 9 June 2015 on occupation of the 50th dwelling. The Travel Plan shall thereafter be monitored annually and the findings submitted to the local planning authority for review and any necessary new measures or interventions shall be implemented accordingly.

    Reason: *In order to encourage sustainable methods of travel in accordance with the aims of the National Planning Policy Framework.*

35. No signage shall be displayed on the building or within the site without the prior consent in writing of the local planning authority.

Reason: *In the interests of amenity having regard to saved policy AG1 of the Adur District Local Plan and the policies of the National Planning Policy Framework.*

36. No cables, wires, aerials, pipework, meter boxes, flues, plant, equipment or machinery shall be installed externally on the building unless approved in writing by the local planning authority.

Reason: *In the interests of amenity having regard to saved policy AG1 of the Adur District Local Plan and the policies of the National Planning Policy Framework.*

37. Prior to first occupation of the building hereby approved electric car charging points shall be provided within the site in accordance with details to be submitted to and approved in writing by the local planning authority. The car charging points shall be retained and be made available for use thereafter.

Reason: *To encourage sustainable transport measures with the aim of improving air quality having regard to the policies of the National Planning Policy Framework.*

38. No deliveries to, or despatch of deliveries from, the commercial units hereby approved shall take place except between the hours of 7am and 7pm on Mondays to Fridays and 8am and 1pm on Saturdays. There shall be no deliveries to, or despatch of goods at any time on Sundays or Public Holidays.

Reason: *In the interests of amenity having regard to saved policy AG1 of the Adur District Local Plan and the policies of the National Planning Policy Framework.*

39. Delivery vehicles to the commercial units hereby approved shall use acoustic friendly reversing alarms only in accordance with details to be submitted to and approved in writing by the local planning authority

Reason: *To safeguard residential amenity having regard to saved policy AG1 of the Adur District Local Plan and the policies of the National Planning Policy Framework.*

40. The development shall not be occupied until public access to the riverfront, including the provision of a stepped quay to Surry Hard, and the public waterside park have been provided in accordance with detailed plans to be submitted to and approved in writing by the local planning authority.

Reason: *To ensure the development provides public access to the waterfront in accordance with saved policy AT11 of the Adur District Local Plan.*

41. The development shall not be occupied until the proposed improvements to Surry Boat Yard (specifically the provision of new toilet and shower facilities, post room and refurbished boat yard building) have been provided in accordance with

detailed plans to be submitted to and approved in writing by the local planning authority.

Reason: *To ensure the development incorporates improvements to the existing boat yard in the interests of the visual amenities of the locality having regard to saved policies AG1 and AB16 of the Adur District Local Plan.*

42. No work for the implementation of the development hereby permitted shall be undertaken on the site other than between the hours of 8am and 6pm Monday to Friday and 8.30am and 1pm on Saturdays. There shall be no work on Sundays or Public Holidays.

Reason: *To safeguard the amenities of the occupiers of neighbouring properties having regard to saved policy AG1 of the Adur District Local Plan and the policies of the National Planning Policy Framework.*

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 advised that a licence may be required by the Marine Management Organisation before carrying out the development subject of this application

Ref: AWDM/0601/15

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

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 of the date of this notice, using a form which you can get from the Planning Inspectorate at Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

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.