



Town & Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management
Procedure) (England) Order 2015
Application for Planning Permission
DECISION NOTICE

Application Ref: LU/287/17/PL

1 To Addressee

Dowsettmayhew Planning Partnership
 63a Ship Street
 Brighton
 East Sussex
 BN1 1AE

2 Site Address

46a & 47 Pier Road &
 Land north of Clifton Road

 BN17 5LW

3 Description of Development

Demolition of existing buildings, change of use & erection of 1 No. building incorporate office (B1) at ground floor & 8 No. dwellings at first and second floor level.

In pursuance of their powers under this Act and related Orders and Regulations the Council **PERMIT** this development to be carried out in accordance with the application and plans and subject to the following conditions

- 1 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 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans
 Block / Location TA 948/01 revB
 Proposed Site Plan TA 948/10 rev D
 Existing Survey TA948/02 rev A
 Proposed Ground Floor Plan TA 948/11 rev F
 Proposed First Floor Plan TA 948/12 rev D
 Proposed second floor plan TA 948/13 rev B
 Proposed Rear Elevation TA 948/16 rev E
 Proposed rear elevation TA 948/21 rev E
 Proposed front elevation TA 948/19 rev F
 Proposed Front elevation TA 948/14 rev F
 Proposed side elevation TA 948/22 rev E
 Proposed side elevation TA 948/23 rev B
 Proposed side elevation TA 948/17 rev E
 Proposed side elevation TA 948/18 rev B
 Proposed side elevation TA 948/20 rev E
 Proposed side elevation TA 948/15 rev E
 Proposed Parking and access arrangements TA 948/24 rev A

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing.

Reason: In the interests of road safety in accordance with policy GEN12 of Arun District Local Plan.

- 4 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan, including the fixed bollard as indicated on the Proposed parking and access arrangements plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with policy GEN12 of Arun District Local Plan

- 5 No part of the development shall be first occupied until the vehicle turning space has been constructed within the site in accordance with the approved site plan. This space shall thereafter be retained at all times for their designated use.

Reason: In the interests of road safety in accordance with policy GEN12 of Arun District Local Plan .

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Construction Management Plan

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.
- An indicative programme for carrying out the works
- The arrangements for public consultation and liaison during the construction works.
- Measures to minimise the noise (including vibration) generated by the construction process to include hours of work,
- proposed method should foundation piling occur, the careful selection of plant and machinery and use of noise mitigation barriers.
- Detail of any flood lighting, including location, height, type and direction

Reason: In the interests of highway safety and the amenities of the area. It is considered necessary for this to be a pre-commencement condition because any works on the site could result in congestion or noise which could compromise highway safety and residential amenity in accordance with the NPPF and policy GEN7 of Arun District Local Plan.

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Prior to commencement of development the developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers,

Reason: It is considered necessary for this to be a pre-commencement condition because the drainage needs to be resolved satisfactorily before the development proceeds in accordance with policy GEN9 of Arun District Local Plan.

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Construction of the development 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.

Reason: It is considered necessary for this to be a pre-commencement condition because the drainage needs to be resolved satisfactorily before the development proceeds in accordance with policy GEN9 of Arun District Local Plan.

- 9 No operations authorised or required under this permission shall take place except between the hours of 7:00 to 18:00 hours Monday to Fridays inclusive and 8:00 to 13:00 hours on Saturdays. No working, including maintenance of vehicles, plant or machinery, shall take place on Sundays or any Public or Bank Holiday.
- Reason: In the interest of the amenity in accordance with policy GEN7 of Arun District Local Plan.
- 10 The kitchen windows on the south elevation of the building at first and second floor and the small secondary bedroom window to the westerly unit shall at all times be glazed with obscured glass and fixed to be permanently non-opening below 1.7m internal floor level
- Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.
- 11 The balconies on the south elevation of the building at first and second floor shall at all times be glazed with obscured glass up to 1.7m floor level.
- Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan
- 12 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings shall be submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.
- Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.
- 13 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, 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 five years from the completion of 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.'
- Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 14 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (November 2017) and the following mitigation measures detailed within the FRA:
- Finished floor levels of first floor are set no lower than 5.23m 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.
- In accordance with policies GEN7 and GEN11 of the Arun District Local Plan.
- 15 It is noted that there are mechanical ventilation systems to food businesses proximal to this proposed building.
- There is also no detail as whether the proposed new commercial units/other will be fitted with air conditioning. Before the development commences the applicant shall submit an acoustic report to predict noise levels at the facades of the proposed residential units together with any mitigation measures that may be required. This shall demonstrate that noise levels within the residential units will conform to the 'internal ambient noise levels for dwellings' guideline values specified within BS8233:2014, Guidance on Sound Insulation and Noise Reduction for Buildings. Such a report to be representative of the times at which any source of noise would be expected to be operational. Suitable post construction validation testing to be carried out to the satisfaction of the Local Authority Planning Department before occupation of the residential units should a problem be highlighted.
- 16 Prior to the commencement of the development hereby approved, a detailed level survey of the site including existing and resulting ground levels and the slab levels of the building the subject of this approval, shall be submitted to and approved by the Local Planning Authority. The development shall proceed only in accordance with the details thus approved and there shall be no subsequent raising of levels without prior written approval of the Local Planning Authority.
- Reason: In order to safeguard the amenities of the area and neighbouring residents in accordance with policy GEN7 of the Arun District Local Plan.
- 17 The north and south ends of the balconies on the northern projection of the development at first and second floor shall at all times be obscure glazed to a height of 1.7m
- Reason: To protect the amenities and privacy of the adjoining property in accordance with policy GEN7 of the Arun District Local Plan.

- 18 Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority, the scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the public/buildings/environment when the site is developed and development shall not commence until the measures approved in the scheme have been implemented.

Reason: To prevent pollution of water and nearby land in accordance with policy GEN7 of the Arun District Local Plan.

INFORMATIVE:

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, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

INFORMATIVE:

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

INFORMATIVE:

Areas of the premises may require registration under the Food Safety Act 1990 and will need to comply with the standards contained in the relevant Food Hygiene Regulations prior to becoming operational. Please note that high level ventilation may be required. The applicant is advised to contact the Environmental Health Department for further information

INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. 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.

INFORMATIVE: Section 278 Agreement of the 1980 Highways Act - Works within the Highway
The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (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.

INFORMATIVE: Section 38 Agreement of the 1980 Highways Act - Provision of Adoptable Highway

The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.

INFORMATIVE: The Environment Agency recommend that the owner/occupants sign up to the Environment Agency Flood Warning Service and have a flood evacuation plan and that consideration be given to use of flood mitigation measures to reduce the impact of flooding when it occurs. Flood mitigation measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs

are located above possible flood levels. More information can be found in the communities and local Government publication 'Improving the flood performance of new buildings' which can be viewed at:

<http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>



Neil Crowther
Group Head of Planning

Case Officer: Mrs A Gardner

Date of Decision:

19 December 2017

Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

APPEALS TO THE SECRETARY OF STATE

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.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against this planning application decision, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against this planning application decision, then you must do so within 28 days of the date of service of the enforcement notice, or within 12 weeks of the date of this notice, whichever period expires earlier.

Otherwise, if you want to appeal against this decision then you must do so within 6 months of the date of this notice.

Appeals must be 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 <http://acp.planninginspectorate.gov.uk>

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

The Secretary of State need not consider an appeal if it seems to the Secretary of State 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.

PURCHASE NOTICES

If either the local planning authority or the Secretary of State refused 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 Council (that is, where the land is situated in a National Park, the National Park authority for the Park, or in any other case the district council in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town & Country Planning Act 1990.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on highway land).