Adur District Council

Development Management

Mr Pierre Dowsett
Dowsett Hayhew Planning Partnership
63A Ship Street
Brighton
East Sussex
BN1 4ET

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/1267/16

Details of Development
CHANGE OF USE OF OFFICE B1 AND GENERAL INDUSTRIAL B2 TO 14 RESIDENTIAL UNITS COMPRISING 1 NO. STUDIO; 2 NO. ONE BEDROOM; 10 NO. TWO BEDROOM AND 1 NO. THREE BEDROOM FLATS. ALTERATIONS AND EXTENSION TO EXISTING BUILDING AND DEMOLITION OF GARAGE AREA AND ERECTION OF NEW STRUCTURE TO ACCOMMODATE RESIDENTIAL UNITS. PARKING FOR 6 VEHICLES AND 16 CYCLES.

Location of Development
CAXTON HOUSE HAM ROAD SHOREHAM-BY-SEA WEST SUSSEX BN43 6QD

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 6th September 2016.

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
06/07/2017

Adur District Council
Adur District Council, Development Management, Economy Directorate,
Portland House, 44 Richmond Road, Worthing, West Sussex, BN11 1HS
Tel: 01903 221065 Fax: 01903 221072 Minicom: 01903 204500
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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
SWEPT PATH ANALYSIS DRGS	Drgs 611-01 to 611-03	23.12.2016
BLOCK AND SITE LOCATION PLAN	Drg TA 964/01 Z	22.06.2017
EXISTING GROUND FLOOR PLAN	Drg TA 964/02 Z	22.06.2017
EXISTING FIRST FLOOR PLAN	Drg TA 964/03 Z	22.06.2017
EXISTING SOUTH ELEVATIONS	Drg TA 964/04 Z	22.06.2017
EXISTING REAR ELEVATIONS	Drg TA 964/05 Z	22.06.2017
EXISTING SECTIONS (SS,TT,UU)	Drg TA 964/06 Z	22.06.2017
EXISTING SECTONS (VV,WW,XX)	Drg TA 964/07 Z	22.06.2017
EXISTING SECTION (LONG)	Drg TA 964/08 Z	22.06.2017
PROPOSED BLOCK PLAN	Drg TA 964/20 Z	22.06.2017
PROPOSED SITE PLAN	Drg TA 964/21 Z	22.06.2017
PROPOSED GROUND FLOOR PLANS	Drg TA 964/22 Z	22.06.2017
PROPOSED FIRST FLOOR PLANS	Drg TA 964/23 Z	22.06.2017
PROPOSED SECOND FLOOR PLANS	Drg TA 964/24 Z	22.06.2017
PROPOSED SOUTH ELEVATION	Drg TA 964/25 Z	22.06.2017
PROPOSED NORTH ELEVATION	Drg TA 964/26 Z	22.06.2017
PROPOSED SECTIONS (AA,BB,CC)	Drg TA 964/27 Z	22.06.2017
PROPOSED SECTIONS (DD,EE,FF)	Drg TA 964/28 Z	22.06.2017

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

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

Reason: *To comply with Section 91 of the Town and Country Planning Act 1990.*

03. Notwithstanding the submitted drawings, no development above ground slab shall commence unless and until details at a suitable scale of:

a) all new or replacement windows;
b) all new or replacement doors and fanlights
c) glazed balconies
d) arrangement and details of the external facing materials
e) metres, flues and cables
f) a scheme for a communal aerial to serve the flats in the development

have been submitted to and approved in writing by the Local Planning Authority. The development shall not be built other than in full accordance with any such approved details and shall be retained thereafter.

In any event, the new front windows replacing the shopfront in the converted building shall have arched heads.

Reason: *To safeguard and improve the appearance and character of this historic building and the Conservation Area having regard to the National Planning Policy Framework.*

04. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any Order revoking and re-enacting that Order with or without modification), no windows shall be inserted in the east flank of unit 13 and the east flank windows hereby approved in this unit shall be obscure glazed and non-opening up to 1.6 ms above finished floor levels and shall be retained as such thereafter.

Reason: *In the interests of privacy and to comply with The National Planning Policy Framework.*

05. Notwithstanding the submitted drawings, the flanks of the rear balconies and terraces shall be built with privacy screens 1.6 tall, tapering down to the front screens, except as agreed otherwise in writing by the Local Planning Authority and shall be retained thereafter.

Reason: *In the interests of privacy of neighbours and to comply with the National Planning Policy Framework.*

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06. No dwelling hereby approved shall be occupied unless and until the allied patio, balcony or terrace and boundary treatments as shown on the approved drawings have been provided and shall be retained thereafter.

Reason: *In the interests of the living conditions of future occupiers and to comply with the National Planning Policy Framework.*

07. No dwelling hereby approved shall be occupied unless and until a scheme of noise mitigation measures has been submitted to and approved by the Local Planning Authority to meet the recommended standards in respect of external noise source set out in table 4 of BS 8233:2014 and the night time LAmax level recommended in the WHO's Night Noise Guidelines for Europe (2009). Where, windows need to remain closed to meet this criteria whole house ventilation is considered to ensure thermal comfort can be managed inside the dwellings during the summer months.

Reason: *In the interests of the amenity of future occupiers in view of the fact that the site is adjacent to business uses and to comply with the National Planning Policy Framework.*

08. No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority a Construction and Demolition Method Statement, comprising details of the siting of allied parking, materials, plant and equipment and site waste disposal and details of dust suppression. Construction and demolition and allied working at the site shall not take place other than in full compliance with the approved Construction Method Statement.

In any event no work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or on Bank or Public Holidays. On all other days such work shall only be implemented between the hours of 8.00 a.m. and 6.00 p.m. inclusive, except between 9.00 a.m. to 1.00 p.m. on Saturdays.

Reason: *In the interests of neighbour amenity in accordance with the National Planning Policy Framework.*

09. Prior to the commencement of development approved by this planning permission (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
- potentially unacceptable risks arising from contamination at the site

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2. A site investigation scheme, based on (1) 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.

5. Prior to [commencement of development]/[occupation of any part of the permitted development], 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.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: *In the interests of the health of future occupiers in view of the fact that the site is on land identified as potentially contaminated and to comply with the National Planning Policy Framework.*

10. No part of the development shall be first occupied until such time as the;

a) vehicular access
b) the car and cycle parking and turning space; and
c) domestic waste/recycling storage facilities

have been constructed in accordance with the approved plans and shall be retained as such thereafter.

Reason: *In the interests of highway safety and functionality, to meet travel need in a sustainable manner and to minimise land fill and in the interests of health and hygiene and amenity.*

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11. Prior to the re-roofing of the pitched sections of the existing building and any associated preparatory works affecting the roof or loft spaces, a final check for bats will be made. The final check will take place between May and September inclusive. If no active roost is recorded then a 'by hand' strip of the tiles will be undertaken. In the event that a roost is discovered all works affecting the relevant building section will cease and European Protected Species Licence will be applied for.

    Reason: *In view of the history of bat presence at the site and to comply with National Planning Policy Framework.*

12. No part of the development shall be first occupied until such time as a detailed scheme for the reconfiguration of the parking bay arrangements in Ham Road has been submitted to and approved by Local Planning Authority and implemented accordingly.

    Reason: *In the interests of highway and pedestrian safety and functionality and to meet travel need in a sustainable manner.*

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.

02. This permission is the subject of a S106 legal agreement which covenants the developer to pay West Sussex County Council £34,732 to cover additional demands made on transport, education, library and fire services and S.278 legal agreement to secure funding for changes to on-street parking.

03. Network Rail advise the following:-

    1. The developer must contact the asset protection team and sign an asset protection agreement before proceeding with any design or construction works alongside NR infrastructure. SAPE will specify further safety and engineering conditions as necessary.
    2. It may be necessary to enhance or renew Network rail (NR) existing boundary fencing as a result of the development in order to reduce the risk of trespass and possible vandalism. New screening purposes fence must be independent of NR fencing and allow room for maintenance of both fences.
    3. Party Wall etc Act 1996. Where works are proposed adjacent to the railway it may be necessary to serve the appropriate notices on NR and their Tenants under the Party Wall etc Act 1996. Developers should consult with NR at an early stage of the preparation of details of their development on Party Wall matter.

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4. NR accepts no liability in respect of noise and vibration. Developer should undertake his own investigations to establish any level of noise and vibration likely to originate from the operational of the railway, and design their mitigation measures accordingly.
5. All works, both temporary and permanent, should be designed and constructed so that they will have no influence on the stability of NR's structures and adjoining land.
6. Vibro-compaction will not be permitted, especially in the vicinity of structures, embankments or cutting slopes.
7. NR advise that the use of bored, cast in-situ reinforced concrete piles are recommended. Normally these have no detrimental vibration effects during construction.
8. All structures should be situated at a minimum distance of two metres from NR's boundary fence and at a sufficient distance to enable construction to proceed without, in the NR Engineer's opinion, the risk of affecting the normal and safe running of the railway. This clearance will also enable construction and maintenance to proceed without the need to enter on to NR's property. Please note that unless previous safety protection has been arranged, access on to NR property will not be permitted for any activity associated with any works.
9. All new construction should be sufficiently clear to the boundary, and all foundations should be designed such that they do not impose any surcharge on railway cutting slopes or structures. In addition, it should be borne in mind that cutting slopes could be subject to erosion through the effects of weathering, and all new construction should be at a sufficient distance from the slope to take this into account. At no time should an embankment supporting the railway be cut into or built upon.
10. NR reserves the right to request the screening of any light, including vehicular lights and light reflected by building cladding, which may interfere with the sighting of signalling apparatus and / or train drivers' vision on approaching trains.
    Large areas of Red or Green cladding or painted structure that face on to the railway could affect the sighting of track signals. Large areas of reflective cladding or mirror type glazing could affect the sighting of track signals in the vicinity of the Railway.
11. Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that at no time will any poles over-sail or fall onto the railway. Black protective netting around the scaffold may need to be installed. A Method Statement for constructing and dismantling the scaffold will need to be provided for acceptance. Scaffolding may need to be erected under a track closure (possession) of the railway because of the dangers to trains and from the electrified conductor rail. A minimum of sixteen weeks notice is required for shared possessions and thirty two weeks for sole possessions to arrange any possessions of the track.
12. Any cranes or other plant to be used on site must be positioned and operate in such a way that, in the event of mishandling or failure of any part of the equipment or subsidence of the ground supporting the equipment, they will not move or fall within three metres of the nearest rail. Their loads or jibs should not under any circumstances over-sail NR's property.

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13. Full details of any tower cranes to be used on site should be submitted for approval, together with a plan showing the relevant jib radii. The cranes (and any other plant) must be positioned in such a way that in the event of mishandling or failure of any part of the equipment or subsidence of the ground supporting the equipment, they will not move or fall within three metres of the nearest rail. Their loads or jibs should not under any circumstances over-sail NR's property. A Method Statement must be prepared for NR's approval, it may be necessary to down-rate the crane capacity by 25% to reduce the risk of failure.
14. All costs incurred by NR in connection with the Works should be reimbursed by the Developer. NR will require the Developer to enter into an Asset Protection Agreement with NR and either place a purchase order or make payment before work commences if called upon to do so.
15. NR requires to be advised of the geotechnical information regarding the site and be assured that whatever construction method is used is suitable. Written confirmation is required stating that the integrity of the railway formation or structures will not be impaired by excavation, piling or other construction methods.
16. Details of excavations for foundations, etc., within 15 metres of NR boundary are to be submitted to SAPE for prior approval. Excavations are not to affect the structural integrity of Network Rail's formation or structures. Stability calculations will be required to prove this where necessary. Calculations to be supported by independent design check certification and supporting geological information.
17. There is to be no dewatering adjacent to or under NR property or structures unless it is unavoidable, in which case the following is required:-

a. Settlement and stability calculations for the railway corridor for all stages of construction/dewatering.
b. Calculations to be supported by independent design check certification.
c. Monitoring of ground and track levels is to be carried out regularly while dewatering is taking place and for at least 2 weeks after it ceases.

04. 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.

Ref: AWDM/1267/16

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.

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.

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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).