ADUR DISTRICT COUNCIL

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PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/1217/20

Details of Development
DEMOLITION OF THE EXISTING CARE HOME AND ASSOCIATED BUILDINGS AT 85-87 BRIGHTON ROAD ALONG WITH THE DWELLING AT 89 BRIGHTON ROAD AND THE ERECTION OF A NEW THREE STOREY PLUS BASEMENT (C2 USE) CARE HOME, ASSOCIATED PARKING AND RESIDENTS GARDENS.

Location of Development
DEVELOPMENT SITE AT 85 TO 89 BRIGHTON ROAD LANCING 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 11th September 2020.

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
04/05/2021

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
NOISE IMPACT ASSESSMENT REPORT	20699.NIA.01 Rev A	20.11.2020
PROPOSED ELEVATIONS SHEET 2	04 Rev C	17.11.2020
ROOF PLAN	05 Rev C	17.11.2020
HEIGHT COMPARISON	06 Rev C	17.11.2020
PLANNING STATEMENT	July 2020	11.09.2020
PROPOSED SITE LAYOUT	01 Rev E	17.11.2020
PROPOSED FLOOR PLANS	02 Rev C	17.11.2020
PROPOSED ELEVATIONS SHEET 1	03 Rev C	17.11.2020
DESIGN & ACCESS STATEMENT	Rev A	11.09.2020
AIR QUALITY ASSESSMENT	May 2020	11.09.2020
DAYLIGHT SUNLIGHT & OVERSHADOWING REPORT	July 2020	11.09.2020
DRAINAGE STRATEGY & SUDS	July 2020	11.09.2020
ENERGY STRATEGY REPORT	July 2020	11.09.2020
TRANSPORT STATEMENT	July 2020	11.09.2020
TRAVEL PLAN	July 2020	11.09.2020
CONTAMINATED LAND ASSESSMENT	Parts 1-4 May 2020	11.09.2020
SITE LOCATION PLAN	100 Rev B	11.09.2020

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 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.*

04. 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 details shown on drawing A-827 E Proposed Site Layout.

Reason: *In the interests of road safety having regard to Policy 28 of the Adur Local Plan.*

05. No part of the development shall be first occupied until such time as the existing central access to Brighton Road as shown on drawing A-827 E Proposed Site Layout has been physically closed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority.

Reason: *In the interests of road safety having regard to Policy 28 of the Adur Local Plan.*

06. 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.*

07. No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall be retained for their designated use.

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

08. 1. No demolition shall take place until a Demolition Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented and adhered to throughout the demolition period.

2. Following demolition, no other development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented and adhered to throughout the construction period. The Plan shall provide the following details as a minimum:

(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 by site operatives and visitors;
(iv) the loading and unloading of plant, materials and waste;
(v) the storage of plant and materials used in construction of the development;
(vi) the erection and maintenance of security hoarding;
(vii) 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);
(viii) details of public engagement both prior to and during construction works;
(ix) measures to control the emission of dust and dirt during construction;
(x) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
(xi) hours of working, which shall be limited to 8am-6pm Monday-Friday, 8am-1pm on Saturdays with no working on Sundays or Public Holidays

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 a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: *To encourage and promote sustainable transport.*

10. No development above slab level shall commence until details showing the proposed location of [1] one fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) have been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

The building shall not be occupied until the fire hydrant or stored water supply has been installed in the approved location to BS 750 standards and connected to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

Reason: *In the interests of amenity and in accordance with policy AG3 of the Adur Local Plan 1996 and in accordance with The Fire & Rescue Service Act 2004.*

11. 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.*

12. No development above slab level shall commence until details of the acoustic glazing set out in table 5.2 of Noise Impact Assessment Report has been submitted to and approved in writing by the Local Planning Authority. All works

which form part of the acoustic protection scheme shall be completed before the building is occupied and shall specifically include the provision of Mechanical Ventilation with Heat Recovery and summer bypass for all of the affected rooms.

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

13. 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 building 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.*

14. The development shall not be occupied unless and until a full BREEAM assessment has been completed by a licensed assessor and confirmation has been submitted to the local planning authority that the development has achieved the BREEAM Very Good standard with a minimum 10% predicted energy demand coming from renewable sources.

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 policy 18 of the Adur Local Plan.*

15. The building shall not be occupied until full details of all hard and soft landscaping works and the proposed times of planting have been submitted to and approved in writing by the Local Planning Authority and all soft landscape works shall be carried out in accordance with those details and at those times. Any plants which within a period of five years from the time of planting 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 visual amenity and the environment and to comply with policies 15 and 30 of the Adur Local Plan.*

16. No development above slab level shall take place until details of all boundary walls and/or fences have been submitted to and approved in writing by the Local Planning Authority and the building shall not be occupied until such walls and/or fences have been erected and they shall thereafter be retained permanently

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

17. No development above slab level shall be commenced until details of proposed measures for ecology enhancement and biodiversity gain have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the building is occupied.

    Reason: *To ensure there is enhancement of biodiversity in accordance with policy 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.

02. As part of the Building Regulations 2004, adequate access for firefighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly in very large developments. (BS5588 Part B 5) for further information please contact the Fire and Rescue Service.

    If a requirement for additional water supply is identified by the Fire and Rescue Service and is subsequently not supplied, there is an increased risk for the Service to control a potential fire. It is therefore recommended that the hydrant condition is implemented.

03. You are required to submit a Demolition Notice to the Council prior to the commencement of any demolition works.

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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).