ADUR DISTRICT COUNCIL

Julia Mitchell
Lewis and Co Planning SE Ltd
Lewis & Co Planning
2 Port Hall Road
Brighton
BN1 5PD

# PLANNING PERMISSION

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

## APPLICATION NUMBER: AWDM/2289/21

Details of Development
**DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF NEW THREE STOREY BUILDING COMPRISING A GROUND FLOOR COMMERCIAL UNIT WITH FOUR FLATS (2NO. 1 BED AND 2NO. 2 BED) ABOVE WITH 2ND FLOOR BALCONY ON THE SOUTH ELEVATION; 2 NO. CAR PARKING SPACES AND 8NO. CYCLE SPACES**

Location of Development
**144 ALBION STREET SOUTHWICK WEST SUSSEX BN42 4AU**

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 14th 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
01/12/2022

## 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 |
|---|---|---|
| DRAINAGE LAYOUT | DR-C-0500 P3 | 28.11.2022 |
| NOISE IMPACT ASSESSMENT | October 2022 | 25.10.2022 |
| ENERGY & SUSTAINABILTY STRATEGY | | 23.08.2022 |
| FLOOD RISK & DRAINAGE ASSESSMENT | 16320/01/HOP/RPT/01 | 23.08.2022 |
| PROPOSED FIRST FLOOR PLAN | TA 1383/12 C | 04.10.2022 |
| LOCATION & BLOCK PLAN | TA 1383/01 C | 04.10.2022 |
| PROPOSED SITE PLAN | TA 1383/10 C | 04.10.2022 |
| PROPOSED GROUND FLOOR PLAN | TA 1383/11 C | 04.10.2022 |
| PROPOSED SECOND FLOOR PLAN | TA 1383/13 C | 04.10.2022 |
| PROPOSED NORTH ELEVATION | TA 1383/14 B | 04.10.2022 |
| PROPOSED EAST ELEVATION | TA 1383/15 B | 04.10.2022 |
| PROPOSED SOUTH ELEVATION | TA 1383/16 C | 04.10.2022 |
| PROPOSED WEST ELEVATION | TA 1383/17 C | 04.10.2022 |
| PROPOSED SECTION BB | TA 1383/18 C | 04.10.2022 |
| STREET ELEVATION - CONTEXTURAL | TA 1383/19 A | 04.10.2022 |
| CONTEXTURAL SOUTH ELEVATION | TA 1383/20 A | 04.10.2022 |

**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. 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.*

04. No development shall be carried out unless and until a schedule and samples 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 protect the character and appearance of the Conservation Area and to comply with policies 15 and 17 of the Adur Local Plan.*

05. No development shall take place, including any works of demolition, until a Demolition and Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Plan and shall be adhered to throughout the construction period. The Plan shall provide for:-
(i) the parking of vehicles of site operatives and visitors;
(ii) loading and unloading of plant and materials;
(iii) storage of plant and materials used in constructing the development;
(iv) the erection and maintenance of security hoarding;
(v) wheel-washing facilities;
(vi) measures to control the emission of dust and dirt during construction;
and
(vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

**Reason**: *In the interests of highway safety and amenity having regard to policies 28 and 34 of the Adur Local Plan.*

06. The building shall not be occupied until the approved surface water drainage system serving the development 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.*

07. 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), the commercial premises on the ground floor shall be used only for purposes within Use Classes E(g)(i) as defined in the Town and Country Planning (Use Classes) Order 1987 or in any equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification.

**Reason**: *In the interest of amenity and to ensure the unit is protected for business use having regard to policy 25 of the Adur Local Plan.*

08. No part of the development shall be first occupied until the car parking, electric vehicle charging points and cycle storage facilities have been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose. Details of measures to discourage parking from taking place on the pavement shall also be submitted to and approved in writing by the Local Planning Authority and such measures shall be put in place before the building is occupied and retained thereafter.

**Reason**: *To ensure adequate provision of car and cycle parking in the interest of highway safety and sustainability having regard to policy 28 of the Adur Local Plan.*

09. The development shall not be occupied until (i) details of the solar panels and the location of the air source heat pumps have been submitted to and approved by the Local Planning Authority and (ii) the solar panels and heat pumps have been installed in accordance with the approved details.

**Reason**: *To ensure that the development is sustainable and makes efficient use of energy having regard to the National Planning Policy Framework and policy 18 of the Adur Local Plan and Policy SH1 of the Shoreham Harbour Joint Area Action Plan.*

10. Provision shall be made for connection to a future District Heating Network, in accordance with details to be provided and approved by the Local Planning Authority.

**Reason**: *In the interests of energy efficiency having regard to the National Planning Policy Framework and policy 18 of the Adur Local Plan and Policy SH1 of the Shoreham Harbour Joint Area Action Plan.*

11. Construction work shall not commence until full details of the acoustic glazing and MVHR mechanical ventilation, as recommended in the Noise Impact Assessment, have been submitted to and approved by the local planning authority. All works, which form part of the noise protection scheme, shall be completed before any part of the noise sensitive development is occupied and retained thereafter. The scheme shall have regard to the principles contained within the World Health Organisation community noise guidelines and achieve the recommended indoor and outdoor ambient noise levels for dwellings specified in BS8233:2014. The noise level from the ventilation system when in use shall not exceed the levels specified in BS8233:2014 and all ductwork shall be fitted on anti-vibration mounts. Following approval and completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential unit from noise.

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

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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).