ADUR DISTRICT COUNCIL

Mr Gary Cottle
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High Tong
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TN12 7HS
United Kingdom

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/2148/20

Details of Development
MINOR MATERIAL AMENDMENT TO APPROVED APPLICATION AWDM/1688/18 TO FORM 1ST FLOOR ROOF TERRACE ON NORTH AND EAST SIDE, INCLUDING REPLACEMENT OF EXISTING WINDOW WITH FRENCH PATIO DOORS TO REAR (NORTH) OF PROPERTY AND PROVISION OF SECURITY / PRIVACY BALUSTRADE TO SOUTH AND EAST OF PROPERTY. INSTALLATION OF AERIALS TO EAST ELEVATION. ALTERATIONS TO PATIO TO FLAT 8.

Location of Development
FLAT 12 CAXTON HOUSE 18 HAM ROAD SHOREHAM-BY-SEA 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 19th January 2021.

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
06/08/2021

Ref: AWDM/2148/20

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
PROPOSED FRONT & SIDE ELEVATIONS	00618_A03_100 Rev I	05.07.2021
PROPOSED 2ND FLOOR GA PLANS	00618_PL_103 Rev A	05.07.2021
LOCATION PLAN	Apartment 12	12.02.2021
EXISTING WINDOW - APMT 12	00618_A11_110 Rev D	12.02.2021
NEW WINDOW - APMT 12	00618_A11_101 Rev E	12.02.2021
ROOF PLAN PROPOSED	00618_PL_104 Rev A	12.02.2021
NORTH VIEW - APMT 12		12.02.2021
PROPOSED REAR ELEVATION (NORTH)	00618_A03_101 Rev J	19.01.2021

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

02. No meters, flues or cables shall be constructed or added to any external wall/roof of the building hereby permitted, other than in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the erection of any such meter, flue or cable.

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 and policies 15 and 17 of the Adur Local Plan.*

03. The development shall be constructed using external brick, tile and flint reclaimed through the demolition process, with any additional materials to be in accordance with the approved schedule received 7 November 2018. Prior to the commencement of construction of the flint panels a sample of flintwork and indicating the colour, texture and pointing style of the mortar, shall be constructed on the site and inspected and approved in writing by the Local Planning Authority. Thereafter, the flint panels shall be constructed in accordance with the agreed sample panel which shall be retained on site until the development has been completed.

Reason: *To safeguard the character and appearance of the Conservation Area and in the interests of visual amenity and to comply with policies 15 and 17 of the Adur Local Plan.*

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 or other openings shall be inserted in the east flank of flat 12 and the east flank window hereby approved in this unit shall be obscure glazed and non-opening up to 1.7 ms above finished floor levels and shall be retained as such thereafter.

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

05. No flat shall be occupied until privacy screens to the balconies and terraced areas have been erected in accordance with the approved plans and they shall thereafter be retained.

Reason: *To prevent overlooking and to comply with policy 15 of the Adur Local Plan.*

06. No flat 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 required 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 policies 15 and 34 of the Adur Local Plan.*

07. The development (construction and demolition phases) shall not take place other than in full compliance with the approved Construction Phase Plan.

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 policy 15 of the Adur Local Plan.*

08. In the event that unexpected contamination is found on site during construction, the developer shall cease works and seek further advice from a suitably qualified person and prepare a remediation strategy and verification plan, in accordance with section 10.7 of the Combined Geotechnical and Ground Contamination Risk Assessment from Ashdown Site Investigation dated 26 July 2018 and received 7 November 2018

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 policy 34 of the Adur Local Plan.*

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

a) vehicular access
b) 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 having regard to policies 15 and 28 of the Adur Local Plan.*

10. 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 having regard to policy 28 of the Adur Local Plan.*

11. No additional aerial or satellite dish shall be added to the external walls/roof of the building without the prior approval in writing of the Local Planning Authority

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 and policies 15 and 17 of the Adur Local Plan.*

12. Surface water from the development shall be disposed of by means of a connection to the existing Southern Water Combined sewer and discharge as shown on drawing no. 06757-jmla-TY-00-DR-D-2200-D2-P03 received 3 December 2018, or in accordance with alternative details which shall have been agreed with Southern Water prior to construction of the surface water drainage infrastructure on site. These drainage works shall be completed in accordance with the approved details before any flat is occupied.

Reason: *To ensure that the proposed development is adequately drained and to avoid the risk of localised flooding in compliance with policies 29, 35 and 36 of the Adur Local Plan.*

13. The flats hereby approved shall not be occupied until the area of zinc roof on the side of the easternmost front gable has been replaced with brick slips to match the brickwork on the building, the details of which are to be submitted to and approved in writing by the Local Planning Authority.

Reason: *To safeguard the character and appearance of the Conservation Area and in the interests of visual amenity and to comply with policies 15 and 17 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).