



TOWN AND COUNTRY PLANNING ACT 1990

DECISION NOTICE

Application Ref: BN/10/07/

1 To Addressee

Mr W I C McAndrew
Trafalgar House
11 Acorn Business Centre
Northarbour Road
Cosham
PO6 3TH

2 Site Address

Barnham Windmill &
Barnham Windmill House
Yapton Road
Barnham

3 Description of Development

Conversion of Mill to form four separate dwellings, together with revised entrance layout, garaging, associated parking and garage for existing dwelling on site (Re-submission following planning application BN/43/06/).

4 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 plan and subject to compliance with the conditions specified.

CONDITION 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).

CONDITION 2 No development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external alterations, including dormers, rooflights, and the rebuilt facades and roof of the cottage, indicated as unit 4, garages and hardsurfacing have been submitted to and approved in writing by the Local Planning Authority and the materials so approved shall be used in the construction of the building/extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/setting of the the Listed Building/ by endeavouring to achieve a building of visual quality in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

CONDITION 3 The roof area of the unit 2 hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining property in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

CONDITION 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no windows or other openings above groundfloor (other than those shown on the plans hereby approved) shall be formed in the east elevation of the Windmill and exhibition/meeting room of the former tearoom without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7, DEV19 of the Arun District Local Plan.

CONDITION 5 No development shall take place unless and until details of the construction/operation mechanism and materials of all new joinery have been submitted to and approved by the Local Planning Authority and the new joinery shall be constructed in accordance with approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and the character and appearance of the Listed Building by endeavouring to achieve a building of visual quality in accordance with policy DEV10 of the Arun District Local Plan.

CONDITION 6 No development shall commence on site until the access has been constructed in accordance with plans to be submitted to and approved by the Local Planning Authority. The access to the proposed units at Barnham Windmill shall not exceed 4.1 m in width and shall be laid out to provide visibility splays on each side of the access in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

These splays shall be:-

(1) 2 metres by 2.4 metres on each side of the proposed access to Barnham Windmill based on the existing highway boundary, together with sight lines defined by:-

(2)(a) a line 2.4 metres long measured along the centre line of proposed access from the line of the nearer edge of the carriageway of B2233.

(b) lines 51 metres to the east and 70 metres to the west along the nearer edge of the carriageway of B2233.

(c) The straight lines joining the termination of the above lines.

No other work shall be carried out on the site until the above-mentioned sight lines and splay lines have been provided and thereafter the said sight lines and splay areas shall be kept free from any obstruction to visibility in excess of 0.6 metres above the level of the adjoining carriageway.

Reason: In the interests of road safety in accordance with policies DEV1, NE17 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- CONDITION 7 The development shall not be occupied until the proposed footway running across the frontage of the house and access works to Mill House have been completed in accordance with details to be approved in writing by the local planning authority.

Reason: In the interests of road safety in accordance with policies DEV1, NE17 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- CONDITION 8 The development hereby permitted shall not be brought into use until the approved access with visibility splays as indicated in condition 6 has been completed.

Reason: In the interests of road safety in accordance with policies DEV1, NE17 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- CONDITION 9 With the exception of work in connection with the construction of the access road to serve the proposed development no work shall be undertaken on the site until the said access roads has been constructed in accordance with the approved to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of road safety in accordance with policies DEV1, NE17 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- CONDITION 10 Building work shall not commence until details of the space to be laid out for stationing vehicles clear of the public carriageway have been approved by the Local Planning Authority and the building shall not be occupied until such space has been surfaced, drained and completed. The space so approved shall not thereafter be used other than for parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of road safety in accordance with policies DEV1, NE17 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- CONDITION 11 The use hereby permitted shall not be carried until space has been laid out within the site in accordance with details approved by the Local Planning Authority for the turning of vehicles clear of the public highway and such space shall not thereafter be used other than as a turning area.

Reason: In the interests of road safety in accordance with policies DEV1, NE17 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- CONDITION 13 Prior to works commencing, plans shall be submitted to and agreed by the local Planning authority to show areas clear of the highway for the storage of plant, materials and contractors vehicles used in constructing the development.

Reason: In the interests of road safety in accordance with policies DEV1, NE17 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

CONDITION 14 The buildings shall not be occupied until the parking spaces/turning facilities/and garages/shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking/turning/and garaging of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policies DEV1, DEV5 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

CONDITION 15 The approved rooflights shall be constructed with a single vertical dividing bar and the exposed outer parts shall be constructed to be flush or below the level of the roof.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/setting of the Listed Building/by endeavouring to achieve a building of visual quality in accordance with policies DEV1 of the West Sussex structure Plan and GEN7 of the Arun District Local Plan.

CONDITION 16 This permission relates to the plans as submitted and amended by substitute detail plans, drawing number 052/P/081/23 RevA1 titled Existing Entrances and Sight Lines received 23rd July 2007, drawing number 052/P/08/22 RevJ1 titled Proposed New Entrances and Sight Lines received 9th July 2008, drawing number 052/P/081/11 rev F1 titled Location plan and Site Plan, Car Parking Spaces and Surface Treatments received 23rd July 2007, drawing number 052/P/081/04 RevF1 titled Elevations received 23rd July 2007 and drawing number 052/P/081/07 Rev J1 titled Upper Floor Plans received 23rd July 2007.

Reason: For the avoidance of doubt and because the scheme as originally submitted was unacceptable to the Local Planning Authority.

INFORMATIVE: Works, including traffic management operations, to the public highway will require the applicant to enter into a section 38/278 Highway Works Agreement. Full details can be found on the West Sussex website or by telephoning Harvey Rogers at WSCC on 01243 777565. No works to commence on the highway until an appropriate Agreement has been formally agreed, completed and approval given to start by the County Council as Highways Authority.

INFORMATIVE:

Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character. Reasonable attempts have been made to show businesses are not feasible. The building is structurally sound, of permanent construction and capable of conversion without rebuilding or significant alteration. The design is in keeping with the character and appearance of the listed building and the area. Access including visibility onto Yapton road is not detrimental to highway safety. There are no material considerations to indicate otherwise.

RELEVANT POLICIES

STRUCTURE PLAN: LOC1 LOC2 CH1 CH5 NE17 DEV1 DEV5

LOCAL PLAN: GEN3 GEN7

NATIONAL POLICIES: PPS1 PPS3 PSS7 PPG13 PPG15

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.

Head of Planning Services
Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

Case Officer: Mr J Parsons

Date of Decision:

9th March 2009

Date Decision Issued:

9th March 2009



Zachary Ellwood
Interim Head of Development Control

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

NOTES RELATING TO PLANNING APPLICATION TOWN AND COUNTRY PLANNING ACT 1990

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 First Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within 6 months of the date of this notice using a form which you can get from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

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.

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.

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

If either the local planning authority or the First 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 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 & 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).