ADUR DISTRICT COUNCIL

Mr Donal Hutchinson
Hutchinson Design Associates
Victoria Chambers
170-174, South Coast Road
Peacehaven
BN10 8JH
United Kingdom

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/1859/22

Details of Development
4NO. THREE BEDROOM TWO STOREY DETACHED HOUSES INCLUDING NEW ACCESS ROAD FROM GARDENER STREET AND ALTERATIONS TO PUBLIC FOOTPATH

Location of Development
LAND EAST OF 24 TO 30 MANOR CLOSE GARDENER STREET PORTSLADE BRIGHTON & HOVE

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 November 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
12/06/2023

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
DESIGN & ACCESSS STATEMENT NOVEMBER 2022	V1	14.11.2022
ECOLOGY TECHNICAL NOTE OCTOBER 2022	Issue 2	14.11.2022
TRANSPORT REPORT APRIL 2022	SGR/EMC/ 280222 V2	14.11.2022
LOCATION PLAN	1298/25	14.11.2022
SITE PLAN & BICYCLE STORE	1298/26	14.11.2022
PLOT 1 PROPOSED PLANS & ELEVATIONS	1298/27	14.11.2022
PLOT 2 PROPOSED PLANS & ELEVATIONS	1298/28	14.11.2022
PLOT 3 PROPOSED PLANS & ELEVATIONS	1298/29	14.11.2022
PLOT 4 PROPOSED PLANS & ELEVATIONS	1298/30	14.11.2022
SITE SECTIONS / ELEVATIONS	1298/31	14.11.2022

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 the commencement of development or any preparatory works, an ecological and biodiversity enhancement scheme shall be submitted to the Local Planning Authority for approval and will be based on the recommendations within the supporting Ecology Technical Note (October 2022). All approved details shall then be implemented in full and in accordance with the agreed timings and details.

Reason: *To enhance biodiversity on the site, having regard to policy 31 of the Adur Local Plan and the NPPF.*

04. Prior to commencement of the development hereby permitted, a scheme to lower the fence and planting to the northeast of the site and bounding number 36/36A Gardener Street shall have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include layout plans, elevations, visibility splays and evidence of the agreement with landowners. The agreed scheme shall be implemented in full prior to commencement of development

Reason: *To ensure that safe and unobstructed access is provided to and from the development and for passing pedestrians, and to comply with policy 28 of the Adur Local Plan and policies CP9 of the Brighton and Hove City Plan Part One and DM33 of the City Plan Part Two.*

05. Prior to commencement of the development hereby permitted, a scheme to reprofile the boundary of the public footpath to the south and bounding number 59 Gardener Street, and to the north-east of the site and bounding number 36/36A Gardener Street shall have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include layout plans, elevations, visibility splays and evidence of the agreement with landowners. The agreed scheme shall be implemented in full prior to commencement of development

Reason: *To ensure that safe and unobstructed access is provided to and from the development and for passing pedestrians, and to comply with policy 28 of the Adur Local Plan and policies CP9 of the Brighton and Hove City Plan Part One and DM33 of the City Plan Part Two.*

06. Prior to first occupation of the development hereby permitted, the proposed highway works to provide access to the site shall have been implemented. In addition, double yellow line restrictions at the end of the existing cul-de-sac on Gardener Street, to allow refuse vehicles to access the site unimpeded, shall have been installed.

Reason: *To ensure that safe and unobstructed access is provided to and from the development, including for refuse vehicles, and to comply with policy 28 of the Adur Local Plan and policies TR7 of the Hove Local Plan and CP9 of the Brighton and Hove City Plan Part One.*

07. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

Reason: *To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy 28 of the Adur Local Plan and policy DM33 of the Brighton and Hove City Plan Part Two.*

08. Prior to commencement of the development hereby permitted, details of all works intended to be undertaken on the footpath, including a specification of materials and the provision of chicane-style safety barriers either side of the vehicular access, shall be submitted to and approved in writing by the Local Planning

Authority in consultation with West Sussex County Council (WSCC) as the highway authority. The development shall be carried out in accordance with the approved details.

Reason: *To ensure that safe and unobstructed use of the footpath is provided for passing pedestrians, and to comply with policy 28 of the Adur Local Plan.*

09. The development hereby permitted shall not be commenced until details of the proposed foul and surface water drainage (including details of drainage to prevent flooding of the public right of way) and means of disposal have been submitted to and approved by the Local Planning Authority and the buildings 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.*

10. No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. It shall include:
    a. The phases (if applicable) of the development hereby permitted, including the forecasted completion date.
    b. A scheme setting out how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site, resident liaison before and during the development.
    c. Details of proposed site accesses and any pitlanes or loading / unloading areas within the highway, which shall be sufficient to allow all vehicles to enter and exit these in forward gear without reversing on the highway.
    d. Details of hours of demolition and construction including all associated vehicular movements.
    e. Details of the demolition and construction compound.
    f. A plan showing demolition and construction traffic routes and the type and the number of vehicles forecast to use these.
    g. Details of measures to protect highway assets and to mitigate impacts on public transport and emergency services and provide for their continued operation during the works.
    h. Details of vehicle cleaning facilities to prevent mud and dirt being trafficked onto the highway from the site or being washed onto it.
    i. Details of any temporary traffic management and signage along the construction routes, at site access and elsewhere in the vicinity of the site.
    j. Details of employee and contractor parking.
    k. Details of security hoarding
    l. Details of a scheme for recycling/disposing of waste resulting from demolition and construction works.

    The demolition and construction works shall be carried out in accordance with the approved CEMP and no part of the development hereby approved shall be

occupied until the approved highway works have been carried out in accordance with the agreed details.

Reason: *In the interests of highway safety and amenity having regard to policies 15, 28 and 34 of the Adur Local Plan.*

11. No demolition or construction work (including deliveries) shall take place on the site except between the hours of 8am-6pm Monday to Friday and 8.30am -1pm on Saturdays only. There shall be no working on Sundays or Public Holidays.

Reason: *To protect residential amenity having regard to policy 15 of the Adur Local Plan.*

12. The development shall be completed in accordance with the approved schedule of external materials and finishes.

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

13. Prior to commencement of any above ground construction a scheme of soft and hard landscaping shall have been submitted to and approved in writing by the local planning authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development 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. The approved details of hard landscaping shall be completed prior to occupation of the dwellings.

Reason: *In the interests of visual amenity and the environment and to comply with policies 15 and 30 of the Adur Local Plan.*

14. Prior to commencement of any above ground construction details of all boundary treatment shall have been submitted to and approved in writing by the local planning authority. The boundary treatment shall be provided in accordance with the approved details prior to occupation of the dwellings.

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

15. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any order revoking and re-enacting that Order with or without modification), the proposed dwellings shall not be extended or altered by means of any development as set out within Classes A, AA, B, C, D and E of Part 1 of the Schedule to that Order.

Reason: *In the interests of amenity and the environment having regard to the nature of the site and policy 15 of the Adur Local Plan.*

16. 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), no windows or other openings (other than as hereby approved) shall be formed in the west side wall of Plot 4.

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

17. The first floor windows in the west side elevation of Plot 4 hereby permitted shall at all times be obscure-glazed and non-opening (except that part which is above 1.7 metres above the floor of the room in which the window is installed) and they shall not subsequently be altered in any way.

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

18. No buildings on the site shall be occupied until the associated facilities for storing refuse and waste, including for waste that can be recycled, have been provided in accordance with the approved plans

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

19. Each dwelling shall be constructed and fitted out so that the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day.

    No dwelling shall be occupied unless the notice for that dwelling of the potential consumption of wholesome water per person per day required by the Building Regulations 2010 (as amended) has been given to the Local Planning Authority.

    Reason: *In order to set a higher limit on the consumption of water by occupiers as allowed by regulation 36 of the Building Regulations 2010 and to increase the sustainability of the development and make efficient use of water in accordance with policy 18 of the Adur Local Plan.*

20. No part of the development shall be first occupied until the car parking spaces with electric vehicle charging points have been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose

    Reason: *To provide car-parking space for the use having regard to policy 28 of the Adur Local Plan.*

21. The development shall incorporate all of the sustainability and energy efficiency measures referred to in the agent's email received 17 May 2023, i.e. PV panels, air source heat pumps and EV charging points

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 policies 1, 15, 18, 20, 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission 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://www.gov.uk/appeal-planning-decision.

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).