ADUR DISTRICT COUNCIL

Mr James Breckell
James Breckell Architects
89 Old Fort Road
Shoreham By Sea
BN43 5HA

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/1058/24

Details of Development
APPLICATION TO VARY CONDITIONS 1 AND 15 OF APPROVED AWDM/2007/21 TO ENABLE FLOOR LEVEL OF THE GROUND FLOOR LIVING ROOMS TO BE SET AS BUILT AT 5.87 METRES AOD AND FOR THE LOWER GROUND FLOOR TO BE HABITABLE, (NON SLEEPING.)

Location of Development
FORMER 51 OLD FORT ROAD SHOREHAM-BY-SEA WEST SUSSEX BN43 5RL

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 August 2024.

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
07/11/2024

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
LOCATION PLAN	01	14.08.2024
BLOCK PLAN	02	14.08.2024
EXISTING SITE SURVEY ORIGINAL BUILDING	03	14.08.2024
AS BUILT 7TH AUGUST PLANS, VERIFIED LEVELS & SECTION	406/20A	24.10.2024

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

02. The external materials and finishes of the development hereby permitted shall be carried out in accordance with the details set out in the plans hereby approved, unless otherwise approved in writing by the Local Planning Authority.

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

03. 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 proposed dwelling 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*

04. The windows in the east and west side elevation of the dwellings hereby permitted shall at all times be glazed with obscured glass. No additional openings other than those hereby approved shall be inserted in the building. The privacy screens shown on the approved plans shall be installed prior to occupation and shall remain in place at all times unless otherwise approved in writing by the Local Planning Authority.

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

05. The 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. The dwelling shall not 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.*

06. The sustainability and energy efficiency measures referred to in the Design and Access Statement submitted with AWDM/2007/21 shall be installed before the dwelling hereby approved is occupied.

Reason: *In the interests of amenity and sustainability having regard to policies 15, 18 and 19 of the Adur Local Plan.*

07. The existing trees to the north of the site within the adjacent garden shall be protected for the duration of construction works and shall not be damaged, destroyed, uprooted, felled, lopped or topped.

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

08. 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 the drawing titled Proposed Site Plan and numbered 04A.

Reason: *In the interests of road safety and to comply with Policy 15 of the Adur Local Plan.*

09. No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose. The parking area shall be edged with raised blocks to abut the pavement to create a barrier to limit the amount of gravel overspill onto the public highway.

Reason: *To provide car-parking space for the use and to comply with Policy 15 of the Adur Local Plan.*

10. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plan.

Reason: *To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.*

11. The development shall be carried out in accordance with the Flood Risk Assessment (ref:11726, Second issue dated 8th December 2021, by GTA Civils and Transport Ltd) as updated by the submitted floor levels shown on drawing 406/20A received 24th October 2024 and the following mitigation measures it details:

    - The rooms on the lower ground floor (labelled as 'flexible room' on drawing no.05B, revision A at Appendix C of the Flood Risk Assessment and drawing 406/20A shall not at any time be used for sleeping accommodation.

    - Clear internal access is provided from the lower basement to the upper floors.

    - The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

    Reason: *To reduce the risk of flooding to the development and future occupants.*

12. Prior to installation details of the proposed air source heat pumps and the associated acoustic information shall be submitted to and approved by the Local Planning Authority, and shall be installed in accordance with such approved details and remain in place and maintained at all times unless otherwise approved in writing by the Local Planning Authority.

    Reason: *In the interest of residential amenity and to accord with Policy 15 of the Adur Local Plan.*

13. Work shall be carried out in accordance with the drainage and soakaway and technical plans hereby approved and details contained in the email from Simon Dent Associates dated 29th November 2022. These shall be complied with at all times unless otherwise approved in writing by the Local Planning Authority.

    Reason: *To ensure adequate drainage and to comply with the National Planning Policy Framework and policy 36 of the Adur Local Plan.*

14. In addition to the approved plans listed above the following plans approved under AWDM/2007/21 shall be complied with at all times: -
    Existing and Proposed Block Plan 02 - received 8th November 2021
    Existing Digital Survey 03 - received 8th November 2021
    FRA - received 13th December 2021
    Height Comparison Plan 08 - received 9th December 2021
    Proposed site plan 04D - received 10th February 2022
    Existing and Proposed Location Plans 01 15th August 2023
    Existing and Proposed Block Plan 02 15th August 2023
    Proposed Elevations 05C 15th August 2023

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

Informatives / Notes to Applicant

01. The developer should be aware that pulverised fuel ash (PFA) has been identified on Shoreham Beach. This is a potentially contaminative material, which can present as grey and ashy in nature or as small, black, coal-like deposits. It is the responsibility of the owner and developer to establish the extent of such material on the site and to carry out appropriate remediation where necessary.

02. 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.

03. The applicant is advised to contact the operator of the street lighting pole to organise the moving/relocation works.

04. The applicant is advised that in addition to obtaining planning permission they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:
https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/
Online applications can be made at the link below, alternatively please call 01243 642105.
https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/

05. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to contact Southern Water Developer Services, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel 0330 303 0119) or www.southernwater.co.uk or email developerservices@southernwater.co.uk

06. A formal application for connection to the public sewerage system is required in order to service this development. The applicant is advised to contact Southern Water Developer Services, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel 0330 303 0119) or www.southernwater.co.uk or email developerservices@southernwater.co.uk

07. Infiltration rates for soakage structures are to be based on percolation tests

undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE DG365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Further detail regarding our requirements are available on the following webpage:
https://www.adur-worthing.gov.uk/planning/applications/submit-fees-forms
A surface water drainage checklist is available on this webpage. This clearly sets out our requirements for avoiding pre commencement conditions, or to discharge conditions.

08. Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

09. All Planning Applications for both domestic and non-domestic premises that have been granted approval for new development or conversions will require a new, or amended property address for the proposed development. Developers will be required to submit a Street Naming and Numbering Application to the Street Naming and Numbering Department upon commencement of works to enable the new development to be officially addressed in compliance with the British Standard of Addressing; known as BS7666. Developers are invited to complete their Street Naming and Numbering Application via the following link to the councils' website: www.adur-worthing.gov.uk/naming-and-numbering Information and guidance regarding the Fees for the service provided are also available at this location. Alternatively, please do not hesitate to contact the Street Naming and Numbering Department via the following methods should you have any queries; Street Naming and Numbering, Adur & Worthing Councils, Portland House, 44 Richmond Road, Worthing BN11 1HS. Telephone Number: 01903 221479. Email: llpg@adur-worthing.gov.uk

Ref: AWDM/1058/24

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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 on the same, or substantially the same, development as in the householder application within 2 years of the date the application was made, the period for receiving an appeal is within 28 days of the date on the decision notice or of the date by which the LPA should have decided the application. Where an enforcement notice was served after the decision notice was issued or after the end of the period the LPA had to determine the application, the period for receiving an appeal is within 28 days of the date the enforcement notice was served (unless this extends the normal 12 weeks deadline).