Adur District Council

Development Management

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West Sussex
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PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/0464/18

Details of Development
DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS AND ERECTION OF NEW REPLACEMENT TWO-STOREY DWELLING WITH BALCONIES TO FRONT AND REAR, TWO DETACHED GARAGES TO FRONT AND PATIO TO REAR.

Location of Development
72 OLD FORT ROAD SHOREHAM-BY-SEA WEST SUSSEX BN43 5HA

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 26th March 2018.

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
20/08/2018

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
EXTG/PROP LOCATION PLAN	Drg JB 400/planning 01B	23.05.2018
GROUND FLOOR PLAN	Drg JB 400/planning 08B	23.05.2018
1ST FLOOR & ROOF PLAN	Drg JB 400/planning 09B	23.05.2018
REAR & FRONT ELEVS WITHOUT GARAGES	Drg JB 400/planning 10C	23.05.2018
WEST ELEVATION & SECTION	Drg JB 400/planning 11B	23.05.2018
EAST & FRONT ELEVS WITH GARAGES	Drg JB 400/planning 12B	23.05.2018
SITE SURVEY	Drg No M1166	26.03.2018
EXISTING GF PLAN	Drg JB 400/planning 03	26.03.2018
EXISTING FIRST FLOOR PLAN	Drg JB 400/planning 04	26.03.2018
NORTH & EAST ELEVS & SECTION	Drg JB 400/planning 05	26.03.2018
SOUTH & WEST ELEVATIONS	Drg JB 400/planning 06	26.03.2018
SITE AND GROUND FLOOR PLAN	Drg JB 400/planning 07C	06.08.2018

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.*

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03. 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 have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved schedule. The side elevations (east and west) of the proposed building shall be finished in light coloured materials only.

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

04. 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 dwelling shall not be extended or altered by means of any development as set out within Classes A, B, C, D and E of Part 1 of the Schedule to that Order. This includes any changes to the roof including use of the roof space and garages as living accommodation.

Reason: *In the interests of visual and residential amenity having regard to policy 15 of the Adur Local Plan.*

05. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (March 2018) and the following mitigation measures detailed within the FRA:

Finished floor levels are set no lower than 6.50 metres above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: *To reduce the risk of flooding to the proposed development and future occupants having regard to policy 36 of the Adur Local Plan and the National Planning Policy Framework.*

06. No work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or on Public/Bank Holidays. On all other days such work shall only be undertaken between the hours of 8am and 6pm.

Reason: *To safeguard the amenities of the occupiers of neighbouring properties having regard to policies 15 and 34 of the Adur Local Plan.*

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07. No works or development shall take place until full details of all hard landscaping works to the rear and sides of the new dwelling have been submitted to and approved in writing by the Local Planning Authority. These details shall include levels and sections (including the proposed rear patio area and any alterations to the side pathways). Works shall be carried out in accordance with such details and shall remain unless otherwise approved by the Local Planning Authority.

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

08. No works or development shall take place until full details of means of enclosure have been submitted to and agreed by the Local Planning Authority. Details submitted shall include siting, heights, sections and finish. The approved boundary treatment shall be installed prior to commencement of works and shall remain in place at all times during construction and once development is complete and subsequently shall be maintained at all times unless otherwise agreed in writing by the Local Planning Authority.

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

09. The windows in the east and west elevation of the building hereby permitted shall be obscure-glazed and non-opening apart from the first floor bathroom windows which can have a top opening fanlight only.

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

10. The obscure-glazed balcony screens shown on the approved plans to the rear balcony shall be erected in accordance with the approved plans prior to occupation of the dwelling hereby permitted and shall thereafter be retained at all times. Privacy screens shall also be erected to the east and west side of north facing balcony to the front of the building in line with details to be submitted and approved by the Local Planning Authority. Work shall be carried out in accordance with such details and screens shall be retained 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.*

11. The dwelling shall not be occupied until the parking spaces (cycle and vehicular) and access facilities shown on the approved plans have been provided. The vehicular crossover from Old Fort Road shall be a maximum of 6.4 metres wide. The areas of land (including garaging) so provided shall not thereafter be used for any purpose other than access and parking of vehicles incidental to the use of the proposed dwelling.

Reason: *In the interests of amenity and highway safety and having regard to the National Planning Policy Framework and policy 28 of the Adur Local Plan.*

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12. The front boundary treatment shall not exceed 0.6 metres in height above the level of the adjoining carriageway to not restrict pedestrian visibility.

    Reason: *In the interests of highway safety.*

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.

02. 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.

03. Precautionary land contamination

    If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol/diesel/solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until it has been investigated by the developer. The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

04. The applicant is advised that in addition to obtaining planning permission that 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 goes not guarantee that a vehicle crossover license 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/

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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. A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House,Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or
www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link:
https://beta.southernwater.co.uk/infrastructurecharges.

06. 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.

07. 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.

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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 you want to appeal, then you must do so within six months, 12 weeks for a minor commercial (shop front) of the date of this notice. Appeals must be made using a form which you can get from the Secretary of State online at https://acp.planninginspectorate.gov.uk or at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000).

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.

7. 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.

8. Further correspondence about this application should quote the reference number at the top right hand corner of the form.

9. 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.

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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).