ADUR DISTRICT COUNCIL

Mr Donal Hutchinson
Hutchinson Design Associates
45 Portland Road
Hove
BN3 5DQ

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/0756/18

Details of Development
PROPOSED 4NO. THREE BEDROOM TWO STOREY DETACHED DWELLINGS INCLUDING NEW ACCESS FROM GARDENER STREET AND ALTERATIONS TO PUBLIC FOOTPATH (FORMER MANOR HALL NURSERY).

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 25th May 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
14/01/2019

Adur District Council, Development Management, Economy Directorate,
Portland House, 44 Richmond Road, Worthing, West Sussex, BN11 1HS
Tel: 01903 221065 Email: planning@adur-worthing.gov.uk
Web: www.adur-worthing.gov.uk

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 AND ACCESS STATEMENT	May 2018	25.05.2018
TRANSPORT REPORT	SGR/MHN/150118/V2	25.05.2018
LOCATION PLAN	Drg 1216/01	25.05.2018
PLOT 1 FLOOR AND ELEVATION PLANS	Drg 1216/03	25.05.2018
PLOT 2 FLOOR AND ELEVATION PLANS	Drg 1216/04	25.05.2018
PLOT 3 FLOOR AND ELEVATION PLANS	Drg 1216/05 Rev A	25.05.2018
SITE SECTION/ELEVATIONS	Drg 1216/07 Rev A	25.05.2018
PRELIMINARY ECOLOGICAL APPRAISAL	October 2018	02.10.2018
SUPPLEMENTARY TECHNICAL NOTE	SGR/MHN/150118-2V4	13.09.2018
SITE PLAN AND BICYCLE STORE	Drg 1216/02 Rev C	25.09.2018
PLOT 4 FLOOR AND ELEVATION PLANS	Drg 1216/06 Rev A	25.09.2018
REPTILE SURVEY 2018		16.10.2018

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. Prior to the commencement of works on-site a suitable receptor site for slow worms shall be secured and prepared. Evidence of its existence and state of readiness shall be provided to the LPA and in accordance with the recommendations arising out of the Reptile Survey 2018. Following best practice guidelines, reptiles will be trapped and translocated from the development site under the supervision of a suitably experienced consultant ecologist. Receptor site treatment and all timings of works pertaining to the reptile mitigation shall be undertaken only in strict accordance with Reptile Mitigation Method Statement. A completion report shall be submitted to the LPA for approval.

Reason: *To ensure adequate safeguards are in place to remove and relocate any statutorily protected species found on site, having regard to policy 31 of the Adur Local Plan.*

04. Prior to commencement of the development hereby permitted, a scheme to lower the fence and planting 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 TR7 of the Brighton and Hove Local Plan and CP9 of the Brighton and Hove City Plan Part One.*

05. 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.*

06. 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 TR14 of the Brighton and Hove Local Plan.*

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07. 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 LPA 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.*

08. 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.*

09. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Method Statement and shall be adhered to throughout the construction period. The Statement shall provide for:-

(i) the parking of vehicles of site operatives and visitors;
(ii) loading and unloading of plant and materials;
(iii) storage of plant and materials used in constructing the development;
(iv) the erection and maintenance of security hoarding;
(v) wheel-washing facilities;
(vi) measures to control the emission of dust and dirt during construction; and
(vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

10. 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.*

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11. Prior to commencement of any above ground construction a schedule and samples of materials and finishes to be used for the external walls (including windows and doors) and roof of the proposed buildings shall 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.

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

12. 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.*

13. 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.*

14. 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, 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.*

15. 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.*

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16. 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.*

17. 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.*

18. 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.*

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 applicant is advised to contact the Brighton and Hove City Council's Streetworks team (permit.admin@brightonhove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of condition 5. The applicant will be responsible for all costs including the cost of preparing and advertising the Traffic Regulation Order for the double yellow lines.

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03. Safe and convenient public access shall be made available at all times across the full width of the PROW. Where it is necessary to undertake works within the legal width of the PROW, e.g. install utilities, the applicant must apply to WSCC PROW Team for a temporary path closure. The applicant must be advised there is no guarantee an application will be approved and that a minimum of 8 weeks' is needed to consider an application.

04. Where the ground levels adjacent to the PROW are to be raised above existing ground levels, this could increase the potential to flood the path. A suitable drainage system must be installed adjacent to the path to a specification agreed with the WSCC PROW Team prior to development commencing.

05. Any down pipes or soakaways associated with the development should discharge into an existing or new drainage system and away from the surface of the PROW. No drainage system is to be installed through the surface of the path without the prior consent of the WSCC PROW Team.

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, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel 0330 303 0119) or www.southernwater.co.uk

07. 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 discuss the matter further with Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

08. You are advised to take account of the West Sussex Fire & Rescue Service advice in their letter dated 11 January 2019

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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).