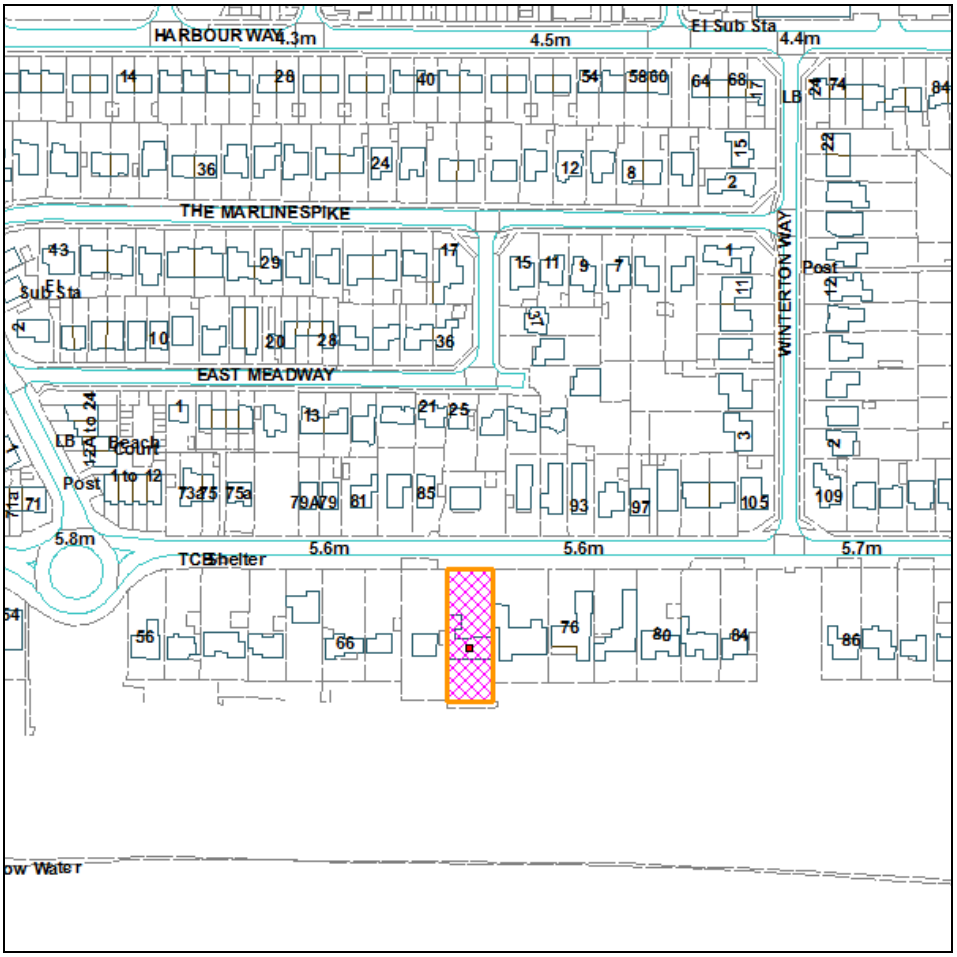
Application Number: AWDM/1666/18 Recommendation – APPROVE

Site: 72 Old Fort Road, Shoreham-By-Sea

Proposal: Application to vary condition 01, (Approved Drawings) 03 (sample/schedule of materials) and 08 (boundary enclosure) and remove condition 07 (landscaping) of previously approved AWDM/0464/18. Amendments include: Removal of pitched roof over front balcony, removal of east side garage and increase in size of west side garage, roof light to front roof slope and other minor design changes.

Applicant: Mr & Mrs Ritchie Ward: Marine
Case Officer: Hannah Barker



Not to Scale

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Proposal

Planning permission was granted in August 2018 for the demolition of the existing dwelling and the erection of a new replacement two storey dwelling with two detached garages to front. A number of conditions and informatives were attached to the consent.

The applicant's agent has submitted this current application to vary and remove a number of the conditions attached to the original consent.

Condition 1 relates to the approved plans. It is proposed that this condition is to be varied as changes are proposed to the originally approved building. The changes to the approved plans include: -

The removal of one of the two of the approved front, detached garages. The most recent amendment shows the garage to the west to be retained and the eastern garage adjacent to no. 74 to be removed from the consent. The remaining garage is to be closer to the boundary with no. 70 by 0.2 metres. It is slightly larger than that already permitted, wider, coming further into the site to the east.

Also proposed is a change to the front elevation of the approved building. As originally approved the main roof of the house covered the front balcony area. The amended plans show this section of roof set back reducing the bulk to the front of the building. The amended plans also show a roof light to the front roof slope.

Condition 3 of the original consent stated: -

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.

This application seeks consent to change the wording of this condition to allow for work to commence and that materials will be submitted during works on site. To relieve the pressure of provide samples of all materials prior to commencement of works.

Condition 7 of the original consent stated: -

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.

This application seeks removal of this condition as it is considered that the details contained within this application confirm compliance with such a condition. Levels are shown on the drawings, hard landscaping is shown, and a sectional drawing shows the change in levels at the rear of the new development. The applicant's agent states that the size of the patio is shown on the plans. The level of the patio is one brick course lower than the internal ground level (patio level 6.425) and 2 brick courses lower than the perimeter of the swimming pool (pool perimeter level: 6.59)

Condition 8 of the original consent stated: -

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.

The applicant's agent has stated that this condition is not required as the information is shown on the approved plans. There is no change to the southern boundary or eastern boundary. The western boundary replacement wall is shown on the approved drawing and the newly submitted drawing. It is proposed that the wording of condition 8 should be altered to confirm the details of the northern boundary.

This application also seeks consent to vary all conditions that start with the wording '*No works or development*' be changed to '*prior to works in accordance with this condition*.' The applicant's agent states that this is avoid the hindrance or delay of works being carried out but to control the details and quality of the works specific to the condition.

Site & Surroundings

The application site is on the southern side of Old Fort Road and relates to a detached two storey dwelling with tiled, gable roof, glazed entrance porch with steps up to the entrance and detached, hipped roof garage building to the property frontage. The property has an existing single storey section to the side, adjacent to the western boundary which projects forward towards the front of the site.

As with other properties on the southern side of Old Fort Road the dwelling is set back from the highway with a large driveway and parking area. There is an existing swimming pool and pool building in the rear garden with the beach beyond.

The site is approx.18.5 metres wide and 57 metres in depth.

Relevant Planning History

Planning permission was granted in August 2018 for the 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 (AWDM/0464/18).

Consultations

No comments received

Representations

1 letter of objection has been received from the occupiers of 70 Old Fort Road on the following grounds:

- This application is asking to change numerous conditions that were put in place by the planning department and approved by the planning committee. Planning permission was given subject to compliance with 12 specific conditions which should not be removed or their intention changed for any reason.
- The changes would look extremely suspect as their inclusion was in many cases to ensure fair play going forward.
- Change to garage of no consequence to us.
- Gutters added to plans increasing depth of overhang.
- Clear glazing is shown to the side elevations on the new plans.
- Roof window has been added this is unacceptable.
- Materials to driveway differ.
- Drawing 10D measurement from 'gutter to neighbours garage' should be measured to west boundary line.
- Condition 3 - materials – this comes across as another attempt to go back on what has already been agreed.
- The large roof window shows intent to use the loft space as living accommodation.
- Works carried out on Sunday.
- Condition 7 should not be changed, leaves the architect open to make last minute changes.
- Condition 8 boundary wall should be built immediately post demolition and prior to work taking place.
- A good architect should not need to keep making changes as they should be able to do it right the first time.

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policy 15, 21, 37
'Supplementary Planning Guidance' comprising: Development Management Standard No.2 'Extensions and Alterations to Dwellings'' 'Space Around New Dwellings and Flats'

National Planning Policy Framework (July 2018)

Planning Practice Guidance (CLG 2014)

Relevant Legislation

The Committee should consider the planning application in accordance with:
Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

Consent has been granted for the development as set out above under AWDM/0464/18 this consent subject to the approved plans and attached conditions. As set out above some changes are proposed which allow for variations to the conditions linked to the previous consent. The assessment here is in relation to those changes only and the implication for the changes to the wording and detailing of the attached conditions. Consideration is given as to how these changes impact upon residential amenity and the character and appearance of the street scene and proposed building and its surroundings.

The removal of the eastern side garage and slight enlargement and relocation of western side garage is acceptable in this case. The garage is adjacent to the garage at no. 70, and hence it is not considered that the alterations will result in any issues with regards to residential amenity. It is also considered that the scale of the garage is appropriate to the main building. The loss of the eastern garage does not impact upon the visual appearance of the development detrimentally.

The changes to the front elevation of the building result in a reduction in bulk of the main roof of the building and hence reduce the impact of the proposed dwelling upon the character of the area. It is not considered that the changes do result in a design alteration that is detrimental to the visual appearance of the new dwelling. The addition of the roof light to the front roof slope does not result in any visual impact (condition4 of the permission which is not sought to be altered as a result of this application, restricts the use of the roof space as living accommodation. These changes are therefore considered acceptable.

With reference to condition 3 and samples and schedule of materials it is considered reasonable to accept that this wording can be changed. It will not result in any reduction in control of the use of materials and will not degrade the final development.

The removal of condition 7 is deemed acceptable in the light of the information provided and the detailing of the levels to the rear of the building clarified. The boundary treatment to the east and west enclosing the rear amenity space of the site and neighbouring properties will remain. It currently is relatively low level and does not offer full privacy. On the eastern side the wall is not entirely solid. It is considered that due to the siting of these dwellings on the beach there is open aspect and some lack of privacy due to this unique location. There is an increase in ground level proposed directly to the rear of the new dwelling where the new patio is proposed, this will then step down to the existing garden levels. This is as a result of the proposed dwelling being elevated above the ground level of the current dwelling at the application site. It is therefore not considered that any additional screening will be required here and there will not be any significant loss of privacy as a result. Taking into account the existing boundary treatment, the current level of overlooking and open aspect that currently prevails, it is concluded that this information is therefore acceptable and the removal of condition 7 can be supported. However an additional condition is proposed to ensure that the levels of the rear garden area beyond the new patio are to remain and are not increased at any time without prior consent from the Local Planning Authority.

The variation required to condition 8 follows on from the above. Drawing No. 07E shows a proposed boundary wall along the western boundary: a condition is added to ensure that this is built prior to construction.

Finally it is agreed that it is reasonable to change the wording of all conditions restricting commencement of works. Indeed, the government recently introduced a requirement for local planning authorities to inform applicants of any proposed pre commencement conditions prior to a decision being made, as it is felt that such conditions can often slow the delivery of development. The application seeks to require the details of the relevant conditions to be submitted before works commence in relation to that individual condition rather than the development as a whole.

It is not considered that this change will be to the detriment of the quality of the completed development or to the detriment of any amenities of the adjacent or future occupiers of the development. This is with the exception of the condition set out below referring to the Construction Management Plan which will need to be submitted prior to any works commencing which includes demolition.

In conclusion, it is considered for the reasons set out above that the application is acceptable.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans

2. Standard time limit.

3. Prior to the relevant materials being used a schedule and samples of material and finishes to be used for the external walls (including windows and doors) and roof of the proposed building shall be submitted to and approved 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.*

4. 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.*

5. 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.*

6. 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.*

7. Prior to occupation of the building hereby permitted details of the design and construction of the northern boundary means of enclosure shall be submitted to and approved by the Local Planning Authority. Details submitted shall include siting, height, materials, gates, dropped kerb and brick piers. The approved boundary treatment shall be installed prior to occupation of the building and shall remain in place and 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.*

8. Notwithstanding the details on the approved drawings the windows and doors 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.*

9. 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.*

10. 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.*

11. 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.

12. 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.

13. The proposed 1.8 metre brick wall on the western boundary of the application site shown on drawing Planning 07E received 28th November 2018 shall be erected following demolition and prior to commencement of construction works.
    Reason: - In the interests of residential amenity and to accord with Policy 15 of the Adur Local Plan.

14. The ground level of the rear garden/amenity space of the application site to the south of the new patio shall not be altered in anyway unless with prior written consent from the Local Planning Authority.
    Reason: In the interests of residential amenity and to accord with Policy 15 of the Adur Local Plan.

Informatives

1. 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.

2. 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.

3. 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.

4. 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/

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/

5. 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.

6. 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.

7. 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.

8. The developer is advised to contact the Environmental Health section of Adur & Worthing Councils for a Demolition Notice prior to any demolition work.

7th January 2019