ADUR DISTRICT COUNCIL

Mr Jim Miller
Jim Miller Design Ltd
92 Livingstone Road
Hove
BN3 3WL
United Kingdom

# PLANNING PERMISSION

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

## APPLICATION NUMBER: AWDM/1544/21

Details of Development
**DEMOLITION OF EXISTING TWO STOREY HOUSE AND CONSTRUCTION OF A THREE STOREY FLAT ROOFED 4 BEDROOM LINK DETACHED DWELLING WITH BALCONY AT FIRST FLOOR AND TERRACE AT SECOND FLOOR SOUTH ELEVATIONS AND TWO AIR SOURCE HEAT PUMPS**

Location of Development
**114 OLD FORT ROAD SHOREHAM-BY-SEA WEST SUSSEX BN43 5HB**

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 13th August 2021.

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
05/11/2021

## 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 |
|---|---|---|
| BUILDING LINE | 8303.08 | 14.10.2021 |
| PROPOSED PLANS | 8303.19 Rev A | 14.10.2021 |
| PROPOSED ELEVATIONS, SITE & BLOCK PLAN | 8303.20 Rev B | 14.10.2021 |
| FLOOD RISK ASSESSMENT | 6040 | 13.08.2021 |
| CONTAMINATION REPORT | Ref: R14756 | 13.08.2021 |
| EXISTING LAYOUT | 8303.18 | 13.08.2021 |
| ASHP Daikin Brochure | 14D(3)V3/D(3)W1 | 13.08.2021 |

**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. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) ('Flood Risk Assessment, 6040, 114 Old Fort Road, Shoreham, BN43 5HB', ref: 6040, dated: 04/02/2021, by Ambiental Environmental Assessment) and the following mitigation measures it details:

- Section 7.4 of the FRA - Sleeping accommodation should be raised above the 1:200-year 70% Climate Change (Upper End) 2125 epoch flood level (7.48mAOD). Sleeping accommodation will need to be provided at the first-floor level.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

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 proposed development and future occupants having regard to the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change and policy 36 of the Adur Local Plan.*

04. Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:-

(1) A preliminary risk assessment which has identified:-

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors; and
- potentially unacceptable risks arising from contamination at the site.

(2) A site investigation scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

**Reason**: *To prevent pollution of groundwater and in the interests of environmental protection and public health and safety, in compliance with the*

*National Planning Policy Framework and policies 34 and 35 of the Adur Local Plan.*

05. Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

**Reason**: *In the interest of sustainable drainage having regard to the National Planning Policy Framework and policies 35 and 36 of the Adur Local Plan.*

06. No development shall be carried out unless and until a schedule of materials and finishes to be used for the external walls and roofs of the proposed buildings has 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.*

07. No development shall commence unless and until a construction/demolition management plan (including storage of construction materials /equipment/ parking/disposal of waste and surplus materials, dust suppression scheme and hours of construction) has been submitted to and agreed by the Local Planning Authority. The construction /demolition shall not be carried out other than in full accordance with any such approval.

**Reason**: *In the interests of highway safety and to minimise harm to residential amenity and to control potential pollution events having regard to policies 15, 28, 31, 34 and 35 of the Adur Local Plan.*

08. No works or development shall take place until full details of all hard and soft landscaping works and the proposed times of planting have been approved in writing by the Local Planning Authority and all soft landscape works shall be carried out in accordance with those details and at those times. Any plants which within a period of five years from the time of planting 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.

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

09. Details of the 2nd floor terrace privacy screens shall be submitted in writing to the Local Planning Authority. Such details as approved shall be erected to the satisfaction of the Local Planning Authority prior to first occupation and thereafter retained.

**Reason**: *In the interest of neighbour privacy having regard to policy 15 of the Adur Local Plan.*

10. Prior to first use of the first floor terrace the slatted screens proposed shall be erected only in accordance with the approved drawing such that they are 100% opaque when viewed directly. These shall be retained as such thereafter.

**Reason**: *In the interest of privacy having regard to policy 15 of the Adur Local Plan.*

11. 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 and no garden buildings erected 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.*

12. On installation the high level west side windows shall be positioned a minimum 1.7 metres off finished floor level and retained as such thereafter.

**Reason**: *In the interest of privacy having regard to policy 15 of the Adur Local Plan.*

13. 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 side walls of the building.

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

14. The garage, forecourt parking and EV charging points shown on the approved plan shall be provided prior to first occupation and retained thereafter.

**Reason**: *In the interest of sustainability and highways having regard to policies 15, 18 and 28 of the Adur Local Plan and the National Planning Policy Framework.*

**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. This permission does not give you the right to use Council land to access your site in order to carry out the development and separate consent for access is required from the Council's Parks and Foreshore department.

04. 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.'

05. 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

06. 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

07. Prior to commencement you are required to give notice of demolition to the Council's Public Health and Regulation section under the Building Act 1984. Please contact publichealth.regulation@adur-worthing.gov.uk

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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 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).