ADUR DISTRICT COUNCIL

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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/0330/18

Details of Development
**DEMOLITION OF EXISTING BUILDING (NOS.170 AND 170A) AND ERECTION OF PAIR OF SEMI-DETACHED THREE-STOREY TOWNHOUSES WITH ROOF TERRACE AND GARAGES AND WORKSHOPS ON GROUND FLOOR, NEW VEHICULAR CROSSOVER AND ASSOCIATED LANDSCAPING AND CAR PARKING. PROPOSED STUDIO AND DECKED AREA ADJACENT TO LAGOON. AMENDED PLANS AND DESCRIPTION**

Location of Development
**170 BRIGHTON ROAD LANCING WEST SUSSEX BN15 8LL**

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 1st 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
12/11/2018

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 |
|---|---|---|
| PROPOSED 2ND FLOOR PLAN | 1738-PL-252-(B) | 04.09.2018 |
| FLOOD RISK ASSESSMENT | Final v1.0 | 01.05.2018 |
| PLANNING STATEMENT | | 01.05.2018 |
| EXISTING SITE PLAN | 1738-PL-101 | 04.09.2018 |
| LOCATION PLAN | 1738-PL-100 | 04.09.2018 |
| PROPOSED BLOCK PLAN | 1738-PL-152 A | 04.09.2018 |
| EXISTING BLOCK PLAN | 1738-PL-102 | 04.09.2018 |
| PROPOSED LOCATION PLAN | 1738-PL-150 | 04.09.2018 |
| PROPOSED SITE PLAN | 1738-PL-151 | 04.09.2018 |
| EXISTING PLANS | 1738-200 (~) | 04.09.2018 |
| PROPOSED LOWER GRD FLR PLAN | 1738-PL-250 (A) | 04.09.2018 |
| PROPOSED FIRST FLOOR PLAN | 1738-PL-251 (B) | 04.09.2018 |
| PROPOSED ROOF PLAN | 1738-PL-254 (B) | 04.09.2018 |
| PROPOSED LOWER GRD FLR PLAN | 1738-PL-255 | 04.09.2018 |
| OVERLAID 1ST FLR PLAN | 1738-PL-256 | 04.09.2018 |
| EXISTING FRONT & REAR ELEVATIONS | 1738-300 (~) | 04.09.2018 |
| EXISTING SIDE ELEVATIONS | 1738-301 (~) | 04.09.2018 |
| EXISTING STREET SCENE | 1738-302 (~) | 04.09.2018 |
| PROPOSED NORTH ELEVATION | 1738-PL-350 (B) | 04.09.2018 |
| PROPOSED SOUTH ELEVATION | 1738-PL-351 (B) | 04.09.2018 |

| Reference/Drawing Number | Version | Date Rec |
|---|---|---|
| PROPOSED EAST ELEVATION | 1738-PL-352 (B) | 04.09.2018 |
| PROPOSED WEST ELEVATION | 1738-PL-353 (B) | 04.09.2018 |
| PROPOSED STREET SCENE | 1738-PL-354 (B) | 04.09.2018 |
| NEIGHBOURS WINDOWS & ALINEATION | 1738-PL-355 (A) | 04.09.2018 |
| OVERLAID LEFT ELEVATION EAST | 1738-PL-356 (A) | 04.09.2018 |
| OVERLAID RIGHT ELEVATION WEST | 1738-PL-357 (A) | 04.09.2018 |
| 170 PROPOSED LONG SECTION | 1738-PL-450 (B) | 04.09.2018 |
| 170A PROPOSED LONG SECTION | 1738-PL-451 (B) | 04.09.2018 |
| STREET SECTION - EAST | 1738-PL-452 (B) | 04.09.2018 |
| STREET SECTION - WEST | 1738-PL-453 (B) | 04.09.2018 |
| 3D VIEW - REAR | 1738-PL-500 (B) | 04.09.2018 |
| VEHICLE SWEPT PATH ANALYSIS | 2018-4512-001 | 05.10.2018 |

**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.*

03. No development above slab level shall take place until there has been submitted to and approved in writing by the Local Planning Authority plans and details of the positions, design, materials and types of boundary treatment and privacy screens to be erected. The boundary treatment and privacy screens shall be completed in accordance with the approved details before first occupation of the building. Thereafter the approved boundary treatment and privacy screens shall be retained permanently.

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

04. The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect/ divert the public sewers, prior to the commencement of the development.

**Reason**: *In order to protect drainage apparatus having regard to policy 29 of the Adur Local Plan.*

05. The development hereby permitted shall only be carried out in accordance with the submitted Flood Risk Assessment and the mitigation measures contained within it and the surface water drainage proposals as set out at paragraph 4.36.

The finished floor level of the sleeping accommodation shall be set no lower than 5.41 metres above Ordnance Datum (AOD).

No part of the ground floor of the building shall at any time be used as a habitable room.

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

06. 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.*

07. No development above slab level 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 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.*

08. No dwelling shall be occupied unless and until an acoustic assessment has been submitted to and agreed by the Local Planning Authority in respect of the exact noise exposure of the dwellings to traffic noise and an allied scheme prepared to protect the habitable rooms from excess noise in relation to British Standard BS 8233: 2014: Guidance. Any acoustic scheme shall include mechanical MVHR ventilation. The approved assessment and mitigation scheme shall be implemented prior to first occupation of any dwelling and retained thereafter.

**Reason**: *To protect future residents form excessive traffic noise from Brighton Road in accordance with the National Planning Policy Framework and policy 34 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 34 of the Adur Local Plan.*

10. No work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or on Public Holidays. On all other days such work shall only be undertaken between the hours of 8am and 6pm, except Saturdays where work shall only be undertaken between 9am and 1pm.

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

11. The windows in the side elevations of the dwellings 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.*

12. 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.*

13. 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 approved site plan.

**Reason**: *In the interests of road safety having regard to policy 28 of the Adur Local Plan*

14. 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.

**Reason**: *To provide car-parking space for the use having regard to policies 15 and 28 of the Adur Local Plan.*

15. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

**Reason**: *To provide alternative travel options to the use of the car in accordance with policy 28 of the Adur Local Plan.*

16. No part of the development shall be first occupied until pedestrian visibility splays have been provided either side of the proposed site vehicular access onto Brighton Road in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

**Reason**: *In the interests of road safety having regard to policy 28 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. Flood resilience and resistance
The Environment Agency recommends that consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

They recommend reading the following guidance:
'Improving the flood resilience of new buildings'
'Prepare your property for flooding: A guide for householders and small businesses'
They also recommend that the owner/ occupants sign up to the Environment Agency Flood Warning Service.

03. 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

04. 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

05. A Demolition Notice should be submitted to the Council's Environmental Health section prior to the demolition of the existing building

06. Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding

07. The Private Sector Housing team of Adur & Worthing Councils have identified that some aspects of the development may result in hazards that require action under the Housing Act 2004. Typical hazards can include 'inner' rooms (where the only means of escape in the case of fire is through another risk room i.e. bedroom, living room, kitchen, etc.) or where there are inadequate windows or outlook from habitable rooms. Compliance with Building Regulations will not necessarily address the hazards identified and you should contact the Private Sector Housing team to confirm that the layout of the property is acceptable prior to commencing the development in order to avoid the need for any formal intervention or the requirement of retrospective works.

08. Highway Informative
    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 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/

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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.

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).