Adur District Council

Development Management

Mr Matthew Letten
Spectrum Town Planning Consultants
21 Longship Way
Maldon
CM9 6UG

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/0948/18

Details of Development
DEMOLITION OF EXISTING BUILDING, CONSTRUCTION OF A THREE STOREY BLOCK OF FLATS COMPRISING 3NO. ONE BEDROOM, 3NO. TWO BEDROOM AND 1NO. THREE BEDROOM FLATS TOGETHER WITH ASSOCIATED CAR PARKING, AMENITY SPACE AND LANDSCAPING

Location of Development
REGAL HOUSE 45 - 49 PENHILL ROAD LANCING WEST SUSSEX

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 9th July 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
23/08/2018

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
DESIGN AND ACCESS STATEMENT	July 2018	09.07.2018
PROPOSED ELEVATIONS	Drg PR.18.07 B	08.08.2018
ISOCHECK SPECIFICATIO	Overlay Platform System	08.08.2018
EXTG TOPOGRAPHICAL SURVEY	Drg PR.18.01 A	09.07.2018
EXTG ELEVATIONS	Drg PR.18.02 A	09.07.2018
BLOCK PLAN AND LOCATION PLAN	Drg PR.18.03 A	09.07.2018
PROPOSED SITE PLAN	Drg PR.18.05 A	09.07.2018
PROPOSED FLOOR PLANS	Drg PR.18.06 A	09.07.2018

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 shall take place until details of walls and/or fences have been submitted to and approved in writing by the Local Planning Authority and the buildings shall not be occupied until such walls and/or fences have been erected and they shall thereafter be retained permanently.

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

04. 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 drawing.

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

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05. 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: *In the interests of highway safety having regard to policies 15 and 28 of the Adur Local Plan.*

06. 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 to be 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.*

07. No dwelling shall be occupied until such time as the landscaped/amenity area on the southwest corner of the site near to the junction of Ingleside Road and Penhill Road has been provided in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. The height of any planting shall not exceed 0.6 metres above adjoining carriageway level.

Reason: *In the interests of highway safety and to ensure that visibility is not obstructed by any proposed landscaping having regard to policies 15, 28 and 30 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. The building hereby permitted shall not be occupied until the existing dropped kerbs and footways in Ingleside Road and Penhill Road (where no longer required to serve the proposed parking spaces) have been reinstated with raised kerbs and footways.

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

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10. No dwellings shall be occupied until pedestrian visibility splays been provided either side of the proposed site vehicular access onto Penhill Road and Ingleside 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.

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

11. 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 roofs of the proposed building has been submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved details.

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

12. 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 details to be submitted to and approved in writing by the Local Planning Authority.

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

13. No development shall be commenced until a scheme for the provision and implementation of foul and surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. These drainage works shall be completed in accordance with the details and timetable approved by the Local Planning Authority and no dwellings occupied prior to completion of the works. Drainage connections must be established and a design confirmed before any work except clearance is undertaken on site.

    Reason: *To prevent pollution of the water environment by ensuring the necessary infrastructure is in place, in compliance with policies 29, 35 and 36 of the Adur Local Plan.*

14. 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;

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- 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.*

15. Each flat 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.*

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16. Prior to first occupation sound insulation testing shall be carried out between floors to confirm compliance with Approved Document E of the Building Regulations 2010 and the results submitted to the Local Planning Authority for approval.

Reason: *To minimise the passage of sound between flats in the interests of the residential amenities of future occupiers having regard to polices 15 and 34 of the Adur Local Plan.*

17. Construction work shall not commence until a scheme for protecting the proposed noise sensitive development from noise from the adjacent commercial unit has been submitted to and approved by the local planning authority. The scheme should also include a strategy to prevent overheating. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall have regard to the principles contained within the World Health Organisation community noise guidelines and achieve the indoor ambient noise levels for dwellings specified in BS8233:2014. Following approval and completion of the scheme, tests shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential units from noise, with the results submitted to the Local Planning Authority for approval.

Reason: *In the interests of residential amenity and to comply with policies 15 and 34 of the Adur Local Plan.*

18. All works of demolition and construction, including the use of plant and machinery and any deliveries or collections necessary for implementation of this consent, shall be limited to the following times:

Monday Friday 08:00 18:00 Hours
Saturday 09:00 13:00 Hours
Sundays and Bank Holidays No work permitted.

Reason: *In the interests of residential amenity and to comply with policies 15 and 34 of the Adur Local Plan.*

19. 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 demolition and construction;
and;

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(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 policies 15 and 34 of the Adur Local Plan.*

20. The second floor window in the east side elevation of the building 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 it shall not subsequently be altered in any way.

Reason: *To prevent overlooking and to comply with policy 15 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. 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

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

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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).