ADUR DISTRICT COUNCIL

Ms Katya Samokhvalova
Nexus Planning
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SE1 8BT
United Kingdom

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/0585/22

Details of Development
ERECTION OF 22 RESIDENTIAL UNITS, WITH ASSOCIATED LANDSCAPING AND ACCESS ARRANGEMENTS.

Location of Development
LAND AT 68 AND SOUTH OF 68 TO 86 MANOR HALL ROAD SOUTHWICK 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 4th April 2022.

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
13/09/2023

Ref: AWDM/0585/22

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
HARD LANDSCAPE PLAN	1444-HED-DR-08-002 P02	08.09.2023
SOFT LANDSCAPE PLAN	1444-HED-DR-08-003 P02	08.09.2023
HARD LANDSCAPE PALETTE	1444-HED-DR-08-004 P02	08.09.2023
SOFT LANDSCAPE PALETTE	1444-HED-DR-08-005 P02	08.09.2023
TREE RETENTION & REMOVAL	1444-HED-DR-08-006 P02	08.09.2023
BOUNDARY & FENCING PLAN	1444-HED-DR-08-007 P02	08.09.2023
PLANTING SCHEDULE	1444-HED-DR-08-008 P02	08.09.2023
OUTLINE LANDSCAPE SPECIFICATION	1444-HED-DR-08-010	08.09.2023
Proposed Site Context Plan	PL100 P04	08.09.2023
Proposed Site Masterplan	PL101 P04	08.09.2023
Proposed Site Tenure Plan	PL102 P04	08.09.2023
Dwelling Type Drawing 2 bed 4 person house	PL401 P04	08.09.2023
Dwelling Type Drawing - 4 bed 6 person house	PL406 P04	08.09.2023
VEHICLE CHARGE POINT LAYOUT	ZZ-DR-E-6701 P2	08.09.2023
General Arrangement of Proposed Access Improvements Option 2 (Park Way) Appendix to Transport St	2106061-08-PD02 B	08.09.2023
Existing Site Location Plan	PL001 P03	04.04.2022
Dwelling Type Drawing 2 bed 3 person house	PL400 P03	04.04.2022
Dwelling Type Drawing 3 bed 5 person house	PL404 P03	04.04.2022
2 bed 5 person house - Affordable	PL405 P03	04.04.2022
2 Bed 4 Person Bay Study, 4 Bed 6 Person Bay Study	PL500 P03	04.04.2022

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. External materials

Prior to commencement of any works above slab level:

a) details of all materials to be used on all external faces of the buildings hereby approved, including windows and doors and roofs, colours and finishes as well as any proposed photovoltaic solar panels, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out only in accordance with the details thereby approved.

b) Brick samples shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out only in accordance with the details thereby approved.

Reason: *In the interests of visual amenity, to ensure a high quality appearance and character of development in accordance with policy.*

04. Landscaping: details, implementation and management

The landscaping shall be carried out in accordance with the approved plans (as listed in Condition 1) and in accordance with the submitted Landscape Management Plan (Rev P02). All planting will be carried out no later in the first planting season following occupation.

Reason: *To enhance the character and appearance and biodiversity value of the site.*

05. No tree felling shall be undertaken during the bird nesting season unless under the supervision of a qualified ecologist who is satisfied that the works can continue without any disturbance to nesting birds. Any works undertaken shall be in accordance with best practise and in accordance with the recommendations of the submitted Preliminary Ecological Assessment Report (undated) and Arboricultural Development Statement (March 2022).

Reason: *In the interests of protecting wildlife and biodiversity.*

06. Prior to the commencement of development tree protection measures as identified in Arboricultural Development Statement (March 2022) shall be installed and retained at all times throughout the development.

Reason: *In the interests of protecting trees of amenity value.*

07. Prior to the commencement of the development, a detailed Ecological Protection and Enhancement Plan shall be submitted to and approved in writing with the Local Planning Authority. This Plan should incorporate and expand on the outline

measures identified in the Preliminary Ecological Assessment Report (undated). Thereafter, the development shall be in accordance with the approved Plan.

Reason: *In the interests of biodiversity.*

08. Drainage

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, including details of surface water attenuation and discharge rate, including measures to regulate this rate. The building shall not 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: *To ensure adequate surface water drainage, including sustainable drainage and to ensure that drainage is adequate for the design lifetime and does not increase flood risk elsewhere and to ensure that detailed drainage design does not harm groundwater resources in accordance with policies.*

09. Drainage: management

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, including details of surface water attenuation and discharge rate, including measures to regulate this rate. The building shall not 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: *To ensure adequate surface water drainage, including sustainable drainage and its maintenance, is adequate for the design lifetime and does not increase flood risk elsewhere, in accordance with policies of the adopted Adur Local Plan and paras 167 & 169 of the NPPF 2021.*

10. Drainage: verification

Immediately following completion of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by a qualified engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.

Reason: *To ensure an accurate record of drainage in accordance with policies of the adopted Adur Local Plan and paras 167 & 169 of the NPPF 2021.*

11. Sustainable Construction: details

The development shall proceed in accordance with the approved Energy Strategy with the proposed sustainability measures being incorporated into the approved dwellings. Written confirmation, including professional verification by a suitably qualified person, shall be submitted to and approved in writing by the Local Planning Authority, within 3 months of the first occupation of the development, (or such other time as shall first be agreed in writing by the Local Planning Authority), to confirm that these measures have been fully implemented and achieved the calculated carbon reductions and efficient water usage specification. The verification document shall include any proposed and timetabled remedial measures if these carbon reductions and water usage rates specification have not been met, in which event the remedial measures thereby approved shall then be implemented in accordance with that timetable.

Reason: *To ensure efficient and renewable energy provision and sustainable construction in accordance with policies.*

12. Bin and Cycle Stores

The development hereby approved shall not be occupied until secure cycle parking stores and bin stores have been provided in accordance with the approved plans as listed in Condition 1. The approved cycle stores and bin stores shall thereafter be provided in accordance with the details thereby approved and retained at all times for their designated purpose.

Reason: *In the interests of sustainable transport and amenity in accordance with policies of the adopted Adur Local Plan.*

13. Access

No part of the development shall be first occupied until such time as the alterations to Park Way have been constructed in accordance with the details shown on the drawing titled General Arrangement of Proposed Access Improvements Option 2 (Park Way) and numbered 2106061-08-PD02 Revision B as included in the approved Transport Statement.

Reason: *In the interests of road safety.*

14. Car parking spaces

No dwelling shall be first occupied until the car parking serving the respective dwelling has been constructed in accordance with 21035-AHMM-SO-ZZ-DR-A-PL101 Rev P04 Proposed Site Masterplan. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

Reason: *To provide car-parking space for the use.*

15. EVC Parking Spaces

No dwelling shall be first occupied until Electric Vehicle Charging spaces serving the respective dwelling have been provided in accordance with the details set out on the drawing D2496-WSD-ZZ-ZZ-DR-E-6701 Rev P2 Vehicle Charging Point Layout.

Reason: *To provide EVC charging points to support the use of electric vehicles in accordance with national sustainable transport policies.*

16. Windows

The obscure glazed windows for the first floor bedroom windows on the north elevation of plot 1 and east elevation of plot 12 shall be permanently glazed with obscure glazing (which shall not be less than Pilkington Level 4 or similar index of obscuration), and fixed and un-openable up to a height of not less than 1.7m above internal floor level so as to minimise risk of overlooking of neighbours to the north of the site. These windows shall remain permanently obscure glazed and fixed & non openable in accordance with the details thereby approved.

Reason: *To safeguard neighbouring amenities and privacy.*

17. Permitted Development Limitation

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any Order revoking or re-enacting that order) there will be no roof alterations (other than the installation of solar PV or solar thermal equipment) and no installation of additional windows at first floor level without prior written permission from the Council.

Reason: *In the interests of visual amenity.*

18. Site Works - Construction Management Plan

No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:-

a) the anticipated number, frequency and types of vehicles used during construction;
b) the location of any site compound, office, welfare facilities, storage of plant and materials used in construction of the development;
c) any parking of vehicles by site operatives and visitors;
d) arrangements for the loading and unloading of plant, materials and waste, including use of a supervisor as appropriate
e) the erection and maintenance of security hoarding and gates, which shall include out-of-hours contact information for site management and images of the approved development;

f) any site lighting, including measures to minimise light nuisance;
g) a commitment to no burning on site;
h) details of public engagement, including neighbours both prior to and during construction works;
i) methods to control dust and fumes from the site;
j) methods to manage the impact or noisy activities.

Reason: *To minimise and manage risks of nuisance and pollution in the interests of the amenities of the area and highway safety during the construction phase.*

19. Site Works - Working Hours

No construction work relating to the development, or operational or construction vehicles, shall be undertaken or operated on the site except between the hours of: 08.00 and 18.00 on Mondays to Friday and between the hours of 09.00 and 13.00 on Saturday and not at any time on Sundays or Public Holidays.

Reason: *In the interests of highway safety and the amenities of the area and a balance between the protection of local and residential amenities and times of development work.*

20. Fencing and boundary treatment

Prior to occupation fencing and boundary treatment as shown on 1444.HED.DR.08.007 Rev P02 Boundary and Fencing Plan are to be installed.

Reason: *In the interest of safety and amenity.*

21. Fire Hydrants

Prior to occupation, the details of how the development is to be served by Fire Hydrant(s), are to be submitted to and approved by the Council.

Reason: *In the interest of fire safety.*

22. Planning Obligation

Prior to the commencement of development a planning obligation shall be signed by all parties that have an interest in the site to ensure the delivery of affordable housing, appropriate development contributions to mitigate the impact of the development and to manage communal areas of open space on the site.

Reason: *To ensure compliance with Development Plan policies and to control the development in detail.*

Informatives / Notes to Applicant

01. Legal Agreement

This planning permission is subject to the s.106 legal agreement dated 6th September 2023 which requires the delivery of affordable housing and the payment of development contributions.

02. Community Infrastructure Levy (CIL) - the development is NOT subject to CIL as it falls within the Adur part of the Adur and Worthing Council where CIL has not been adopted. See:

https://www.adur-worthing.gov.uk/planning-policy/adur/adur-developer-contributions/#adur-cil

03. You are advised to ensure that the development works accord with the Party Wall Act 1996, which set out responsibilities for the undertaking of works at or close to the party wall of any neighbouring owner. Further information can be found at:

https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance

04. The applicant's attention is drawn to the provisions of both the Wildlife and Countryside Act 1981 and the Countryside and Rights of Way Act 2000. Under the 2000 Act, it is an offence both to intentionally or recklessly destroy a bat roost, regardless of whether the bat is in roost at the time of inspection. All trees should therefore be thoroughly checked for the existence of bat roosts prior to any works taking place. If in doubt, the applicant is advised to contact the Bat Conservation Trust at 15 Cloisters House, 8 Battersea Park Road, London, SW8 4BG. Their telephone number is 020 7627 2629.

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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://www.gov.uk/appeal-planning-decision.

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).