ADUR DISTRICT COUNCIL

Mr Mike Gibson
Eldridge London
17 Calico Row
Plantation Wharf
London
SW11 3TW

# PLANNING PERMISSION

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

## APPLICATION NUMBER: AWDM/1586/18

Details of Development
**APPLICATION FOR MINOR MATERIAL AMENDMENTS TO APPROVED APPLICATION AWDM/1240/17, INCLUDING REDUCTION IN EXTENT OF EXCAVATION OF THE SITE, ALTERATIONS TO REAR BALCONIES TO AVOID DIRECT VIEW OF WINDFARM, INCREASE IN ROOF HEIGHT BY 275MM AND INCREASE IN HEIGHT OF GARAGE BY 1M RELATIVE TO EXISTING LEVELS DUE TO REDUCED EXCAVATION.**

Location of Development
**16 OLD FORT ROAD SHOREHAM-BY-SEA WEST SUSSEX BN43 5RJ**

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 15th October 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
13/12/2018

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 |
|---|---|---|
| PROP 1ST/GRND FLOOR MEZ PLAN | PL 005 Rev E | 10.12.2018 |
| PROP 2ND/2ND FLOOR MEZ PLAN | PL 006 Rev E | 10.12.2018 |
| PROPOSED NORTH ELEVATION | PL 109 Rev C | 26.11.2018 |
| PROPOSED SOUTH ELEVATION | PL 110 Rev C | 26.11.2018 |
| PROPOSED EAST ELEVATION | PL 111 Rev D | 26.11.2018 |
| PROPOSED WEST ELEVATION | PL 112 Rev D | 26.11.2018 |
| PROPOSED BLOCK ELEVATION | PL 113 Rev C | 26.11.2018 |
| PROPOSED SECTION A-A | PL 114 Rev D | 26.11.2018 |
| PROPOSED SECTION B-B | PL 115 Rev C | 26.11.2018 |
| PROPOSED SOUTH GARDEN SECTION | PL 119 Rev C | 26.11.2018 |
| PROPOSED NORTH GARDEN SECTION | PL 120 Rev C | 26.11.2018 |
| COVER LETTER | Dated 12.10.2018 | 15.10.2018 |
| SOUTH ELEVATION VARIATION DETAILS AS PROPOSED | | 15.10.2018 |
| LOCATION PLAN | PL 001 Rev D | 15.10.2018 |
| SITE PLAN | PL 102 Rev C | 15.10.2018 |
| PROPOSED GROUND FLOOR PLAN | PL 103 Rev D | 15.10.2018 |
| PROPOSED ROOF PLAN | PL 108 Rev C | 15.10.2018 |

**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. Notwithstanding the submitted external materials schedule, no development above slab level shall be carried out unless and until samples of materials and finishes to be used for the external walls (including canopies, privacy screens, 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 samples.

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

04. 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.

**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.*

05. The development permitted by this planning permission shall be carried out in accordance with the previously approved Drainage Strategy and SuDS Statement received 10 November 2017 and the approved Flood Risk Assessment (FRA) (Longden Design ref. LDA/FRA/1015/01, dated August 2017), both submitted under application reference AWDM/1240/17, and the following mitigation measures detailed within the FRA, namely:

Finished floor levels to all habitable accommodation (not including sanitary rooms or utility or storage space) are to be set no lower than 6.71mAOD

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing or 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 risk of flooding and in the interests of the safety of the occupants having regard to policy 36 of the Adur Local Plan and the National Planning Policy Framework.*

06. No part of the development shall be first occupied until such time as the existing western vehicular access onto Old Fort Road has been physically closed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority.

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

07. No external plant shall be installed without the prior approval in writing from the local planning authority.

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

08. 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 to 18:00 Hours
Saturday 09:00 to 13:00 Hours
Sundays and Bank/Public Holidays no work permitted.

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

09. No development (including demolition) shall commence until a scheme for the protection of the existing neighbouring properties from dust has been submitted to and approved by the local planning authority. The scheme as approved shall be operated at all times during the demolition and construction phases of the development.

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

10. No development shall commence until details of the proposed garden gateway structure and garden screens have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

**Reason**: *In the interests of visual amenity and the environment 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

02. 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

03. 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

04. 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.

05. 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.

06. 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.

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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 on the same, or substantially the same, development as in the householder application within 2 years of the date the application was made, the period for receiving an appeal is within 28 days of the date on the decision notice or of the date by which the LPA should have decided the application. Where an enforcement notice was served after the decision notice was issued or after the end of the period the LPA had to determine the application, the period for receiving an appeal is within 28 days of the date the enforcement notice was served (unless this extends the normal 12 weeks deadline).

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