Dated...4th May.....2020

The District Council of Adur

and

West Sussex County Council

PLANNING OBLIGATION

Under section 106 of the Town & Country Planning Act 1990
relating to land at 7 – 27 Albion Street, Shoreham

This Agreement is made the ..... day of 20

PARTIES:

1. **THE DISTRICT COUNCIL OF ADUR** of Town Hall, Chapel Road, Worthing BN11 1HA (hereinafter called "the Owner")
2. **WEST SUSSEX COUNTY COUNCIL** of County Hall, West Street, Chichester, West Sussex PO19 1RQ (hereinafter called "the County Council")

WHEREAS

1. Adur District Council ('the Local Planning Authority') is the local planning authority for the area in which the Land is situated and have resolved that subject to the completion of this Agreement planning permission be granted subject to the conditions for the Development. A copy of the draft planning decision is attached to this Agreement.

2. The County Council is the Highway Authority for the area in which the Land is situated and is the authority by whom the obligations in this Agreement are enforceable

3. The Owner is the owner of the freehold of the Land edged red on Plan 1

4. The Owner has made the Application and is proposing to carry out the Development

5. The Owner has agreed to enter into this Agreement with the County Council and have agreed to comply with the terms and conditions contained herein

6. The Local Planning Authority has resolved that subject to the completion of this Agreement and payment to the County Council of the Cycle Route Contribution Planning Permission shall granted subject to the conditions for the Development

NOW THIS DEED WITNESSETH as follows:

1. Interpretation

1.1 In this Unilateral Undertaking unless otherwise stated the following expressions shall where the context so admits have the following meanings:

"the 1990 Act" shall mean the Town and Country Planning Act 1990 (as amended)

"the Application" means an application for planning permission made to the District Council and under reference number AWDM/0954/18 for the ~~demolition of 11-27 Albion Street and redevelopment to provide a total of 50 affordable flats within two blocks of 4-6 storeys in height (plus undercroft car parking to the rear and landscaping) and the refurbishment of 7-9 Albion Street (to provide 6 flats within the existing building), including dormers to east and west roofslopes~~ demolition of 11-27 Albion Street and redevelopment to provide a total of 55 affordable flats within two blocks of 4-6 storey in height and the refurbishment of 7-9 Albion Street, with 31 parking spaces, and shall include any application made under section 73 of the 1990 Act

SCS

"Commencement" means the carrying out of development as described in section 56(4) of the 1990 Act PROVIDED THAT for the purposes of this Deed the following operations shall not be taken to constitute commencement:

site investigations or surveys;
site decontamination and remediation works;
ecological preparation works;
any other preparatory works as may be agreed in writing with the County Council;
the clearance or regrading of the Land;
the provision of security fencing
works connected with infilling;
the provision of any temporary site access for construction traffic;
works for the provision or removal of drainage or mains services to prepare the Land for development;

£72,520

SCS "**the Cycle Route Contribution**" shall mean the contribution of ~~£77,980~~ for improvements to the cycle route network along the A259 in accordance with the Shoreham Harbour Transport Plan (2016-2031)

"**the Development**" shall mean the development authorised by the Planning Permission

"**the Highway Dedication Land**" means land along Albion Street (A259) with a width of 1 metre and 1.2 metres measured north from the existing pavement as shown shaded blue on drawing number 1538 PA 010attached hereto at Appendix 2

"**the Land**" shall mean land at 7 – 27 Albion Street, Shoreham registered under Title Numbers WSX365758, WSX36074, WSX73203, WSX102313, WSX36075, WSX167538, WSX365756, WSX127292 and WSX191400 and shown edged red on Plan 1 attached hereto

"**the Occupation**" means the occupation of the Development for the purposes of the Planning Permission but not including occupation by personnel engaged in construction fitting out or decoration marketing and display or security purposes

"**Plan 1**" shall mean the plan annexed hereto at Appendix 1 and marked Plan 1

"**the Planning Permission**" shall mean a planning permission to be granted by the District Council in respect of the Application or any permission granted by the District Council pursuant to section 73 of the 1990 Act unless the County Council requires otherwise

1.2 Words importing the singular includes the plural and vice versa

1.3 Reference to one gender includes a reference to all the genders

1.4 References to clauses, sub clauses, recitals, annexes and schedules are unless otherwise stated references to clauses, sub clauses, recitals, annexes and schedules to this Deed

1.5 Any reference to an Act of Parliament shall include any modification, extension or re-enactment of that act for the time being in force and shall include all instruments, orders, plans regulations, permissions and directions for the time being made, issued or given under that act or deriving validity from it

1.6 References to any party to this Deed shall include the successors in title to that party and to any person deriving title through or under that party and in the case of the County Council, the successors to their respective statutory functions

1.7 The headings and contents list are for reference only and shall not affect construction

2. Statutory Provisions.

2.1 This Agreement constitutes a Planning Obligation for the purposes of Section 106 of the Act Section 111 of the Local Government Act 1972 and all other powers and the obligations contained herein are planning obligations for the purposes of Section 106 of the Act and are entered into by the Owner with the intention that they bind the Owner's respective interests in the Land and those of his successors and assigns

2.2 This Agreement shall have full force and effect from the date hereof

2.3 The Planning Obligations contained in this Deed are enforceable by the County Council

3. The Owner's covenants.

The Owner hereby covenants with the County Council:

3.1 to notify the County Council 14 (fourteen) days prior to Commencement of Planning Permission with the reference AWDM/0954/18

3.2 so as to bind the Land to perform the obligations as set out in the First Schedule

4. The County Council's Covenants

4.1 The County Council covenants with the Owner as set out in the Second Schedule.

5. Local Land Charge

5.1 This Deed is a Local Land Charge and shall be registered as such by the District Council

6. Miscellaneous

6.1 The Owner shall pay to the County Council on completion of this Deed the reasonable and properly incurred legal costs of the County Council incurred in the negotiation, preparation and execution of this Deed.

6.2 No provision of this Deed shall be enforceable under the Contracts (Rights of Third Parties) Act 1999

6.3 Insofar as any clause or clauses of this Deed are found (for whatever reason) to be invalid, illegal or unenforceable then such invalidity, illegality or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Deed.

6.4 This Deed shall cease to have effect (insofar only as it has not already been complied with) if the Planning Permission shall be quashed, revoked or otherwise withdrawn or (without the consent of the Owner) it is modified by any statutory procedure or expires prior to the Commencement of Development.

6.5 No person shall be liable for any breach of any of the planning obligations or other provisions of this Deed after it shall have parted with its entire interest in the Land but without prejudice to liability for any subsisting breach arising prior to parting with such interest.

6.6 This Deed shall not be enforceable against owner-occupiers or tenants of dwellings constructed pursuant to the Planning Permission nor against those deriving title from them.

6.7 Nothing in this Deed shall prohibit or limit the right to develop any part of the Land in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this Deed.

6.8 Nothing contained or implied in this Deed shall prejudice or affect the rights, discretions, powers, duties and obligations of the County Council under all statutes, by-laws, statutory instruments, orders and regulations in the exercise of their functions as a local authority.

7. Jurisdiction

7.1 This Deed is governed by and interpreted in accordance with the law of England and the parties submit to the exclusive jurisdiction of the courts of England.

8. Delivery

8.1 The provisions of this Deed (other than this clause which shall be of immediate effect) shall be of no effect until this Deed has been dated.

FIRST SCHEDULE

The Owner Covenants with the County Council

1. CYCLE ROUTE CONTRIBUTION

1. The Owner covenants to dedicate and the County Council covenants to accept the Highway Dedication Land within one month of a written request from the County Council.

1.2 Prior to the first (1st) Occupation of the Development to pay the Cycle Route Contribution to the County Council.

1.3 Not to cause or allow the first (1st) Occupation of the Development to occur unless and unit the Cycle Route Contribution has been paid to the County Council.

1.4 Any associated planting landscaping and/or boundary treatment works shall preserve a visibility splay from the vehicle access with the give way line set back 1.2 metres.

SECOND SCHEDULE

The County Council Covenants with the Owner

1. CYCLE ROUTE CONTRIBUTION

1.1 Upon receipt of the Cycle Route Contribution under paragraph 1.2 of the First Schedule it will hold it in a separately identified interest bearing section of the County Council's combined accounts and apply the same together with any interest accruing on it for the purpose specified by this Agreement in the vicinity of the Land

1.2 Upon written request on or after ten (10) years of the date of receipt of the Cycle Route Contribution to issue to the Owner an account certified by the Director of Finance, Performance and Procurement for the time being of the County Council detailing how the Cycle Route Contribution has been expended by the County Council

1.3 If or to the extent that any of the Cycle Route Contribution shall not have been spent by the County council by the end of the period referred to in paragraph 1.2 above the County Council shall on such date refund to the Owner any unexpended part of any of the Cycle Route Contribution together with compound interest on the expended part(s) from the date of receipt by the County Council of the contribution to the date of repayment a the base rate of the Bank of England applicable at the date of repayment calculated on a day to day basis

1.4 If at the end of the period referred to in paragraph 1.2 of this Schedule the County Council shall have entered into a contract or other legally binding obligation to expend the Cycle Route Contribution or part thereof for the purposes specified in paragraph 1.1 then the County Council shall not be required to refund any part of the Cycle Route Contribution required for those purposes but shall as soon as possible following the completion of the said contract or other legally binding commitment account to the Owner in the manner set out in paragraph 1.2 of this Schedule and refund any unexpended

part of the Cycle Route Contribution in the manner set out in paragraph 1.3 of this Schedule

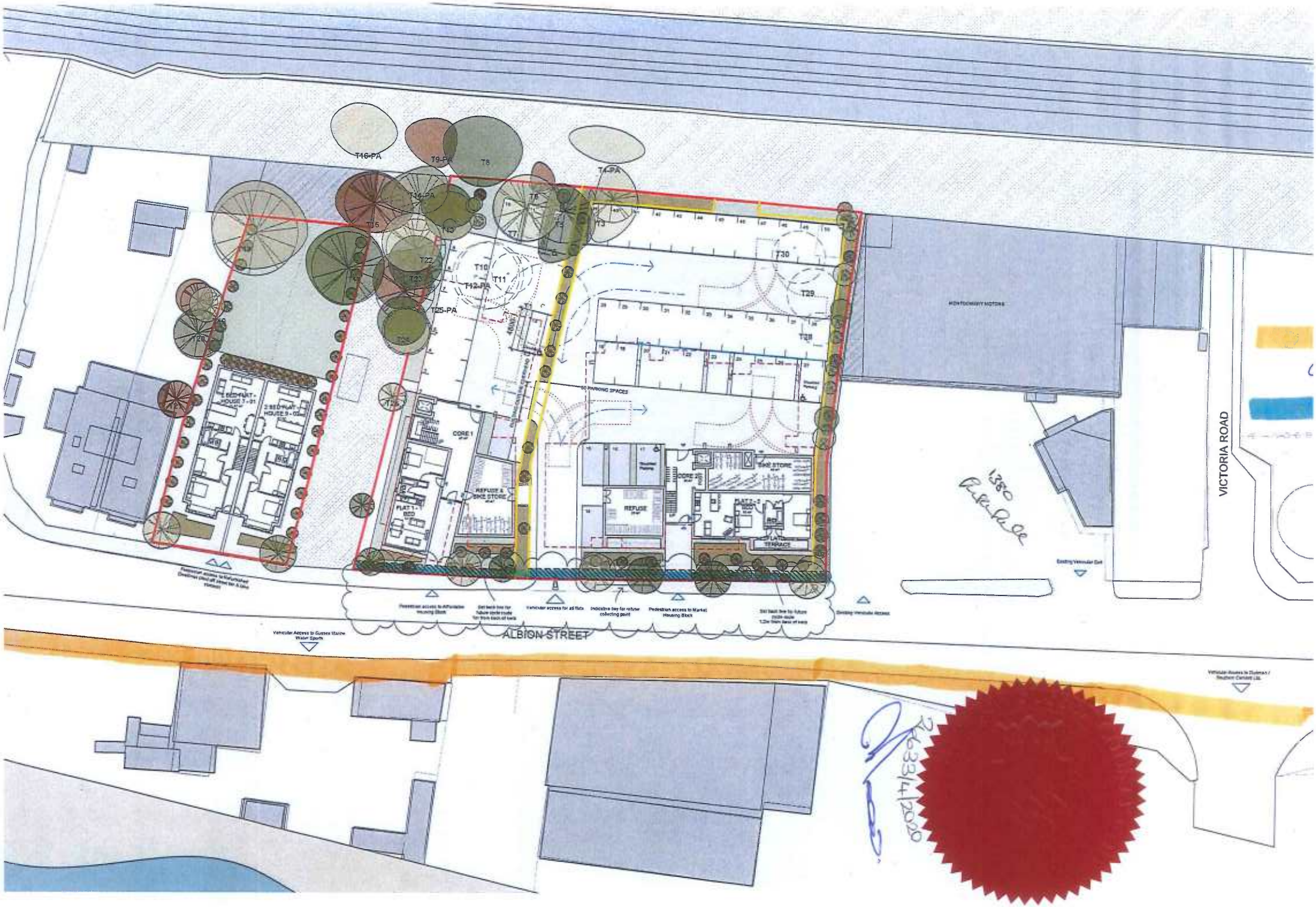
APPENDIX 1

Plan 1


T22
T23
T14
T10
T11
T12-PA
T1
T25-PA
T24
T26
T30
T29
T28
BIN & BIKE STORE
BUILDING OUTLINE OVERHEAD
BIN & BIKE STORE
PLANT ROOM
UP
UP
POST
MONTGOME
1380
Pedestrian access
Set back line for future cycle route 1m from back of kerb
Vehicular access for all flats
Indicative bay for refuse collecting point
25m paths for refuse collection
Pedestrian access
Set back line for future cycle route 1.2m from back of kerb
Existing Vehicular Access
ALBION STREET

APPENDIX 2

Highway Dedication Land Plan



T16-PA
T9-PA
T8
T4-PA
T14-PA
T15
T13
T22
T23
T10
T11
T12-PA
T25-PA
T30
T29
T28
50 PARKING SPACES
CORE 1
REFUSE & BIKE STORE
FLAT 1 - BED
REFUSE
CORE 2
BIKE STORE
FLAT 2 - 5 BED
FLAT 2 - 5 TERRACE
MONTGOMERY MOTORS
VICTORIA ROAD
ALBION STREET
Vehicular Access to Gussex Marine Water Sports
Vehicular access for all flats
Indicative bay for refuse collecting point
Pedestrian access to Market Housing Block
Existing Vehicular Gait
1380
2/6/33/4/2020

Apendix 3:

Draft Planning Permission

ADUR DISTRICT COUNCIL

Mr Jake Lock
Major Projects & Investments
Adur & Worthing Councils
Worthing Town Hall
Chapel Road
Worthing
West Sussex
BN11 1HA

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/0954/18

Details of Development
DEMOLITION OF 11-27 ALBION STREET AND REDEVELOPMENT TO PROVIDE A TOTAL OF 55 AFFORDABLE FLATS WITHIN TWO BLOCKS OF 4-6 STOREYS IN HEIGHT AND THE REFURBISHMENT OF 7-9 ALBION STREET, WITH 31 PARKING SPACES.

Location of Development
LAND AT 7 TO 27 ALBION STREET 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 20th 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

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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 5TH FLOOR PLAN	PA_015-A Rev C	20.01.2020
PROP NORTH FACING ELEVATION	PA_020 Rev D	20.01.2020
PROP NORTH FACING ELEVATION	PA_020-1 Rev E	20.01.2020
PROP SOUTH FACING ELEVATION	PA_022 Rev C	20.01.2020
PROP SOUTH FACING ELEVATION	PA_022-1 Rev D	20.01.2020
NOISE REPORT	January 2020	27.01.2020
PROP GRND FLOOR SITE PLAN	PA_010 Rev D	24.02.2020
PROP GRND FLOOR SITE PLAN	PA_010-A Rev D	24.02.2020
PROP GRND FLOOR SITE PLAN	PA_010-B Rev D	24.02.2020
DESIGN AND ACCESS STATEMENT	Ref: 1538/18	20.07.2018
GEO-ENVIRONMENTAL INVESTIGATION	Phase I and II	20.07.2018
ARBORICULTURAL SURVEY	PJC ref: 4492/17-01	20.07.2018
AIR QUALITY ASS'MENT HOLDING STATEMENT	2241W-SEC-00001-01	20.07.2018
ACOUSTIC CONSIDERATIONS	3845_001m_1-0_gw.docx	20.07.2018
EXTG LOCATION AND BLOCK PLANS	Drg 1538-PA-001	20.07.2018
BUILDING DEMOLITION PLAN	Drg 1538-PA-002	20.07.2018
EXTG TOPO & TREE SURVEY	Drg 1538-PA-003	20.07.2018
EXTG SECTION & SOUTH ELEVATION	Drg 1538-PA-004	20.07.2018
LANDSCAPING SCHEDULE, MASTERPLAN & PLANTING OVERVIEW	Drgs 001A-004A,100A,301A	20.07.2018

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Reference/Drawing Number	Version	Date Rec
AIR QUALITY ASSESSMENT STATEMENT	2241W-SEC-00002-02	12.09.2018
PROP 2ND FLOOR PLAN	PA_012-A Rev C	12.10.2018
PROP 2ND FLOOR PLAN	PA_012-B Rev C	12.10.2018
PROP 3RD FLOOR PLAN	PA_013 Rev B	12.10.2018
PROP 3RD FLOOR PLAN	PA_013-A Rev C	12.10.2018
PROP 3RD FLOOR PLAN	PA_013-B Rev C	12.10.2018
PROP 4TH FLOOR PLAN	PA_014 Rev B	12.10.2018
PROP 4TH FLOOR PLAN	PA_014-A Rev C	12.10.2018
PROP 4TH FLOOR PLAN	PA_014-B Rev C	12.10.2018
PROP ROOF PLAN	PA_016 Rev A	12.10.2018
PROP ROOF PLAN	PA_016-A Rev B	12.10.2018
PROP EAST FACING ELEVATION	PA_021 Rev A	12.10.2018
PROP EAST FACING ELEVATION	PA_021-1 Rev B	12.10.2018
PROP WEST FACING ELEVATION	PA_023 Rev A	12.10.2018
PROP WEST FACING ELEVATION	PA_023-1 Rev B	12.10.2018
PROP AFFORD BLOCK EAST ELEVATION	PA_024 Rev A	12.10.2018
PROP AFFORD BLOCK EAST ELEVATION	PA_024-1 Rev A	12.10.2018
PROP MARKET BLOCK WEST ELEVATION	PA_025 Rev A	12.10.2018
PROP MARKET BLOCK WEST ELEVATION	PA_025-1 Rev A	12.10.2018
RENOVATION ELEVATIONS	PA_026 Rev A	12.10.2018
PROPOSED SECTION A-A	PA_030 Rev A	12.10.2018
PROPOSED SECTION B-B	PA_031	12.10.2018
PROPOSED SECTION C-C	PA_032	12.10.2018
PROP BAY STUDY + MATERIALS - SOUTH	PA_040 Rev A	12.10.2018
PROP BAY STUDY - NORTH	PA_041 Rev A	12.10.2018

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Reference/Drawing Number	Version	Date Rec
PROP 1ST FLOOR AREA PLAN	PA_051 Rev A	12.10.2018
ENERGY STATEMENT	Project No: 2018/583	09.10.2018
SUSTAINABLE DRAINAGE STRATEGY	C0005 Rev 01	10.10.2018
PROP 1ST FLOOR PLAN	PA_011 Rev B	12.10.2018
PROP 1ST FLOOR PLAN	PA_011-A Rev C	12.10.2018
PROP 1ST FLOOR PLAN	PA_011-B Rev C	12.10.2018
PROP 2ND FLOOR PLAN	PA_012 Rev B	12.10.2018
PROP 1ST FLOOR AREA PLAN	PA_051-A Rev B	12.10.2018
PROP 1ST FLOOR AREA PLAN	PA_051-B Rev B	12.10.2018
PROP 2ND FLOOR AREA PLAN	PA_052 Rev A	12.10.2018
PROP 2ND FLOOR AREA PLAN	PA_052-A Rev B	12.10.2018
PROP 2ND FLOOR AREA PLAN	PA_052-B Rev B	12.10.2018
PROP 3RD FLOOR AREA PLAN	PA_053 Rev A	12.10.2018
PROP 3RD FLOOR AREA PLAN	PA_053-A Rev B	12.10.2018
PROP 3RD FLOOR AREA PLAN	PA_053-B Rev B	12.10.2018
PROP 4TH FLOOR AREA PLAN	PA_054 Rev A	12.10.2018
PROP 4TH FLOOR AREA PLAN	PA_054-A Rev B	12.10.2018
PROP 4TH FLOOR AREA PLAN	PA_054-B Rev B	12.10.2018
TRANSPORT STATEMENT	Ref: 7113 January 2020	20.01.2020

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.*

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03. No development above slab level shall take place until a scheme for protecting the proposed noise sensitive development from noise and vibration from the road, railway and garage 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.

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

04. No flat shall be occupied until sound insulation testing has been carried out between all dissimilar rooms (kitchen/lounges which are positioned directly above, below and adjacent to bedrooms in different flats) and to confirm compliance with Approved Document E specifications of the Building Regulations and the results submitted to the local planning authority.

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

05. 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.*

06. No development shall take place 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:-

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,

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- the provision of wheel washing facilities and other works required to mitigate

the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders)

- details of public engagement both prior to and during construction works
- Methods to control dust from the site

Reason: *In the interests of highway safety and amenity having regard to policies 15, 28 and 34 of the Adur Local Plan.*

07. 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

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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.*

08. 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 to be erected. The boundary treatment shall be completed in accordance with the approved details before the use hereby permitted is commenced [or the building(s) is/are occupied] [or in accordance with a timetable to be approved in writing by the Local Planning Authority]. Thereafter the approved boundary treatment shall be retained permanently.

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

09. No development above slab level shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft and hard landscaping (including information regarding the potential coastal species to be planted), and which shall include indications of all existing trees and hedgerows on the land and details of those to be retained, together with measures for their protection in the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development 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. The approved details of hard landscaping shall be completed prior to occupation of the building(s).

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

10. No development above slab level shall commence until finalised detailed foul and surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 1 in 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event, as evidenced by physical infiltration tests to be carried out on site. The scheme shall subsequently be implemented in accordance with the approved designs and completed prior to first occupation of the flats.

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Reason: *To prevent pollution of controlled waters and ensure that the proposed development is adequately drained having regard to the National Planning Policy Framework and policies 35 and 36 of the Adur Local Plan.*

11. No development above slab level shall commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

Reason: *To ensure that the proposed development is adequately drained having regard to the National Planning Policy Framework and policies 35 and 36 of the Adur Local Plan.*

12. No development above slab level shall commence unless and until details of all operational phase air quality mitigation measures have been submitted to and approved in writing by the Local Planning Authority. The mitigation shall be equal to a value of £15,889.20 as identified in the emissions mitigation assessment contained within Chapter 8 of the Air Quality Assessment dated August 2018 and provided as part of the application.

Reason: *In order to mitigate against the emissions generated by the development having regard to policy 34 of the Adur Local Plan.*

13. No flat shall be occupied unless and until an air quality impact assessment of the proposed centralised energy facility has been submitted to and approved in writing by the Local Planning Authority. All boilers and/or CHP plant installed on site shall have a NOx emission rate of less than 40 mg/kWh of dry NOx (at 0% O2).

Reason: *In order to reduce the emissions generated by the development having regard to policy 34 of the Adur Local Plan.*

14. Prior to the use of any external materials and finishes to be used for the external walls (including windows, doors, balconies and window screens) and roofs of the proposed buildings, a schedule and sample of those materials and finishes shall be 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*

15. The development shall provide a 1m - 1.2m wide strip of land across the site frontage as shown on the approved plans which shall be reserved for road widening and the provision of a future cycle way along the A259 Albion Street.

Reason: *In order to secure the provision of sustainable transport measures having regard to policy 28 of the Adur Local Plan and policy SH5 of the Proposed Submission Shoreham Harbour Joint Area Action Plan 2018*

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16. The east side ground floor living room window to House 9-02 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.*

17. 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.*

18. The secure, covered cycle parking shown on the plans shall be provided prior to first occupation of the flats hereby approved and shall thereafter be retained permanently solely for such purposes.

    Reason: *To encourage and provide for a sustainable non-car mode of transport in compliance with the National Planning Policy Framework and having regard to policies 15 and 28 of the Adur Local Plan.*

19. The vehicular access from the site to the public highway shall be designed, laid out and constructed with kerb radii, visibility splays and sight lines in all respects in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority before commencement of construction of the access, which shall be constructed in accordance with the approved details before any flat is occupied. Thereafter such visibility splays and sight lines shall be kept clear of any obstruction.

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

20. No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

    Reason: *To encourage and promote sustainable transport having regard to policy 28 of the Adur Local Plan.*

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21. 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.*

22. 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 the approved plans

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

23. All dwellings hereby approved shall be occupied at all times as affordable rented homes as defined by the NPPF.

    Reason: *To ensure that the development delivers affordable housing as rrquired by Policy 21 of the Adur Local Plan.*

24. An archaeological investigation of the site shall be carried out at the expense of the developer in accordance with a specification (written scheme of investigation) and timetable to be submitted to and approved by the Local Planning Authority in writing. The approved programme of archaeological work will be carried out in accordance with the approved details.

    Reason: *To ensure appropriate investigation and recording of archaeological heritage assets on the site in advance of development having regard to Policy 17 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. 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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03. You are advised that, as part of the mitigation scheme required by Condition 12, at least 20% of the parking spaces should be equipped with charge points for electric vehicles.

04. 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.

05. A formal application to Southern Water for connection to the water supply is required in order to service this development.

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Ref: AWDM/0954/18

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

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

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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).

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IN WITNESS whereof this Agreement has been executed as a Deed and delivered on the day and year written above.

The COMMON SEAL of)
the District Council of Adur)
was hereunto affixed)
in the presence of:-)



Authorised signatory

The COMMON SEAL of
WEST SUSSEX COUNTY COUNCIL
was hereunto affixed
in the presence of:-



Authorised signatory