ADUR DISTRICT COUNCIL

Paul Joyce
Lewis and Co Planning SE Ltd
Lewis & Co Planning
2 Port Hall Road
Brighton
BN1 5PD

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/2294/21

Details of Development
ERECTION OF SEVEN NEW-BUILD TOWNHOUSES (C3) CONSISTING OF A TERRACE OF FIVE HOUSES (3 STOREY AT FRONT AND 2 STOREY AT REAR) WITH INTEGRATED CAR PARKING AND A PAIR OF SEMI-DETACHED THREE STOREY DWELLINGS (3 STOREY AT FRONT AND 2 STOREY AT REAR) WITH INTEGRATED CAR PARKING

Location of Development
DEVELOPMENT SITE AT 12 TO 18 OLD SHOREHAM ROAD SHOREHAM-BY-SEA 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 6th January 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
08/02/2023

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
STAGE 1 ROAD SAFETY AUDIT		18.01.2022
TRANSPORT STATEMENT		18.01.2022
LOCATION PLAN	20.012.400	06.01.2022
SITE PLAN	20.012.401	06.01.2022
EXISTING SITE PLAN	20.012.402	06.01.2022
EXISTING SITE SECTIONS	20.012.403	06.01.2022
PROPOSED THIRD FLOOR	20.012.503	06.01.2022
BLOCK ELEVATION PLOT 8 TO 9	20.012.516	06.01.2022
ARBORICULTURAL METHOD STATEMENT		06.01.2022
PRELIMINARY ECOLOGICAL APPRAISAL REPORT		06.01.2022
ENERGY STRATEGY REPORT	VERSION 2	06.01.2022
FLOOD RISK ASSESSMENT & SURFACE WATER DRAINAGE STRATEGY		06.01.2022
FLOOD RISK ASSESSMENT & SURFACE WATER DRAINAGE STRATEGY A		06.01.2022
NOISE & VIBRATION IMPACT ASSESSMENT		06.01.2022
PLANNING STATEMENT		06.01.2022
DESIGN & ACCESS STATEMENT	REVISION B OCTOBER 2022	19.10.2022
PROPOSED ELEVATIONS 1	20.012.510 REV C	19.10.2022
PROPOSED ELEVATIONS 2	20.012.511 REV C	19.10.2022
PROPOSED ELEVATIONS 3	20.012.512 REV C	19.10.2022
PROPOSED ELEVATIONS 4	20.012.513 REV C	19.10.2022

Reference/Drawing Number	Version	Date Rec
BLOCK ELEVATION PLOT 1 TO 2	20.012.514 REV B	19.10.2022
BLOCK ELEVATION PLOT 3 TO 7	20.012.515 REV B	19.10.2022
PROPOSED GROUND FLOOR PLAN	20.012.500 REV B	23.01.2023
PROPOSED FIRST FLOOR PLAN	20.012.501 REV B	23.01.2023
PROPOSED SECOND FLOOR PLAN	20.012.502 REV B	23.01.2023
PROPOSED ROOF PLAN	20.012.504 REV B	23.01.2023
ARBORICULTURAL METHOD STATEMENT		23.01.2023
LANDSCAPE PLAN	LP 02	23.01.2023
HARD LANDSCAPE PLAN	HLP 02	23.01.2023
ARTISTIC IMPRESSION	20.012.520	20.10.2022
PROPOSED SITE PLAN	20.012.521 REV B	05.01.2023
VICTORIA ROAD SECTION 1	20.012.522	05.01.2023
VICTORIA ROAD SECTION 2	20.012.523	05.01.2023
3D VISUALISATION ARTISTIC IMPRESSION	20.012.520	19.10.2022
DRAFT SECTIONS	20.012.520	17.02.2022

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. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) ('Site2B Ropetackle North, Shoreham Waterfront, Old Shoreham Road, Shoreham, BN43 5FL - Flood Risk Assessment & Surface Water Drainage Strategy', dated October 2021, ref: MC0031 ADL Ropetackle 2B, by Meridian Civil Engineering Consultancy Ltd) and the following mitigation measures it details:-

- Habitable rooms shall be located above 6.3 mAOD, with the ground floors to only be used as non-habitable rooms (i.e. garages, storage and WC) (Sections 14.2, 15.11 & 15.13 of the FRA).

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These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: *To reduce the risk of flooding to the proposed development and future occupants.*

04. 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 arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: *To ensure any contamination risks are suitably identified and mitigated.*

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05. Construction work shall not commence until a scheme for protecting the proposed noise sensitive development from transport noise has been submitted to and approved by the local planning authority. 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 Pro PG: Planning and Noise - Professional Practice Guidance on Planning and Noise- New Residential Development 2017 and Calculation of Railway Noise 1995. The scheme should demonstrate good acoustic design, include full details of glazing, and a strategy to prevent overheating. The noise level of any ventilation units when in use should not exceed the levels specified in Pro PG: Planning and Noise - Professional Practice Guidance on Planning and Noise- New Residential Development 2017 and all duct work should be fitted on anti-vibration mounts. Following approval and completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential unit from noise.

Reason: *To ensure adequate protection from noise development.*

06. Due to the close proximity to the Shoreham Air Quality Management Area, the applicant must follow the Air Quality & Emissions Mitigation Guidance for Sussex (2020):

http://www.sussex-air.net/ImprovingAQ/GuidancePlanning.aspx.

Prior to the first occupation of the development hereby permitted, an emissions mitigation assessment shall be completed, the purpose of which is to assess the local emissions from a development and determine the appropriate level of mitigation required to help reduce/offset the potential effect on health and the local environment. The emissions mitigation assessment must use the most up to date emission factors (available at http://laqm.defra.gov.uk/review-and-assessment/tools/emissions.html).

Mitigation shall include the promotion of cycling and walking, public transport, car clubs, low emission vehicles and associated infrastructure, etc. Reference should be had to the Adur/Worthing Air Quality Action Plan (available at https://www.adur-worthing.gov.uk/environmental-health/pollution/air-quality-and-pollution/local-air-quality-management/#air-quality-action-plans).

Reason: *To ensure adequate air quality and emissions mitigation.*

07. 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:-

- the anticipated number, frequency and types of vehicles used during construction - HGV construction traffic routings shall be designed to minimise journey distance through the AQMA's.
- 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,
- a commitment to no burning on site,
- 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: *To ensure an adequate Construction Management Plan for the duration of the development.*

08. Works of construction or demolition, including the use of plant and machinery, 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.

Any temporary exception to these working hours shall be agreed in writing by the Local Planning Authority at least five days in advance of works commencing. The contractor shall notify the local residents in writing at least three days before any such works.

Reason: *In the interests of amenity.*

09. 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. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall 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 an adequate surface water drainage scheme.*

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10. Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

    Reason: *To ensure adequate maintenance of the surface water drainage system.*

11. No construction works shall progress beyond slab/foundation stage until details and samples of facing materials and finishes to be used in the construction of the external walls, roofs, windows, doors, balconies, footpaths and ground floor patios of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall only be carried out 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. The development hereby permitted shall be carried out in full accordance with the Arboricultural Method Statement submitted by David Archer Associates dated January 2023 unless otherwise agreed in writing by the Local Planning Authority.

    Reason: *In the interests of visual amenity and to ensure the retention of those trees identified to be retained within the Method Statement.*

13. All hard and soft landscape works, including the works outlined in the Arboricultural Method Statement submitted by David Archer Associates dated January 2023 and to include the retention of the banking to the boundary of the site, shall be carried out in accordance with the approved plans no later than the first planting season following completion of the development. 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 the following planting season with others of similar size and species, unless the local planning authority gives any consent for variation. The approved hard landscape works, including car park surfacing, shall be completed prior to first occupation of the buildings.

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

14. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015, as amended, (or any order revoking and re-enacting that Order with or without modification), the proposed dwellings shall not be extended or altered by means of any development as set out within Classes A, B, 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.*

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

    Reason: *To provide adequate on-site car parking space for the development.*

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

    Reason: *To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.*

17. No part of the development shall be first occupied until Electric Vehicle Charging (EVC) spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

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

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. Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE DG365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Further detail regarding our requirements are available on the following webpage https://www.adur-worthing.gov.uk/planning/applications/submit-fees-forms. A surface water drainage checklist is available on this webpage. This clearly sets out our requirements for avoiding pre-commencement conditions, or to discharge conditions

03. The applicant is requested to note that Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team via AssetProtectionLondonSouthEast@networkrail.co.uk prior to works commencing.

04. Section 278 Agreement of the 1980 Highways Act - Works within the Highway
The applicant is advised to enter into an S278 legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. As part of these works it will also be necessary to apply for a street works license from the Street Works team (street.works@westsussex.gov.uk). The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence the S278 process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

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TOWN AND COUNTRY PLANNING ACT 1990
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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 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.

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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).