ADUR DISTRICT COUNCIL

Mr Darryl Shear
Shear Architectural Design Ltd
2 Saffron Close
Shoreham By Sea
BN43 6JF

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/1426/22

Details of Development
DEMOLITION OF EXISTING COTTAGE AND GARAGES (8 TARMOUNT LANE) AND CONSTRUCTION OF PART TWO-STOREY AND PART SINGLE-STOREY EXTENSION TO EAST, FIRST FLOOR EXTENSION OVER EXISTING FLAT ROOF EXTENSION AT REAR AND GLAZED LINK TO EXISTING NURSERY BUILDING (AMENDED RESUBMISSION OF AWDM/0463/19). VARIATION OF CONDITION 1 (APPROVED PLANS) OF AWDM/1774/19: CHANGE OF CLADDING FROM TILE TO RENDER, NEW FIRE ESCAPE DOOR AND BALUSTRADE, NEW WINDOW TO DOOR FENESTRATION CHANGE

Location of Development
SUNSHINE DAY NURSERY 6 TARMOUNT LANE SHOREHAM-BY-SEA WEST SUSSEX BN43 6DA

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 30th August 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
04/10/2022

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
PROPOSED GRPOUND FLOOR PLAN	1468 PL01	30.08.2022
PROPOSED FIRST FLOOR PLAN	1468 PL02	30.08.2022
PROPOSED ELEVATIONS & GLAZED LINK SECTION	1468 PL03	30.08.2022
PROPOSED PLANS, NORTH (FRONT) ELEVATION & SECTION	1468 PL04	30.08.2022
PROPOSED PLANS, SOUTH (REAR) ELEVATION & SECTION	1468 PL05	30.08.2022
PROPOSED LARGE SCALE PLAN DETAILS	1468 PL06	30.08.2022
PROPOSED LARGE SCALE SECTION DETAILS	1468 PL07	30.08.2022
EXISTING GROUND FLOOR PLAN	AD 010 B	30.08.2022
EXISTING FIRST FLOORPLAN	AD 011 B	30.08.2022
EXISTING NORTH & EAST ELEVATIONS	AD 012 B	30.08.2022
EXISTING SOUTH & WEST ELEVATIONS	AD 013 B	30.08.2022
PROPOSED ELEVATIONS, BLOCK & LOCATION PLANS	PL 01	30.08.2022
PROPOSED FLOOR PLANS & WALL CONSTRUCTION DETAILS	WD 1	30.08.2022

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 number of children attending the premises (Nos. 6 and 8 Tarmount Lane) for the purposes hereby permitted shall at no time exceed a total of 100 without the prior written permission of the Local Planning Authority.

Reason: *In the interests of highway safety and residential amenity having regard to policies 15, 17 and 33 of the Adur Local Plan.*

/Contd …

04. The use hereby permitted shall not be open for business other than between the hours of 7:30am and 6pm Monday to Friday and arrival/departure times for children shall be staggered over the period 7:30am-9am for arrivals and 4:30pm-6pm for departures.

Reason: *In the interests of highway safety and residential amenity and to accord with Policies 15, 17 and 33 of the Adur Local Plan.*

05. The measures contained in the 'Outdoor Area Management Plan' Revised May 2019, received 13th May 2019 shall be implemented and complied with during operation of the day nursery at all times. The number of children within the rear outdoor space shall not exceed 20 at any one time.

Reason: *In the interests of residential amenity and to accord with Policy 15 of the Adur Local Plan.*

06. No advertisements or signage shall be attached to the external windows or walls of the building hereby permitted without prior consent from the Local Planning Authority. In addition there shall be no internal advertisements or signage on or in the glazed link.

Reason: *In the interests of visual amenity and to accord with Policies 15 and 17 of the Adur Local Plan.*

07. The new building at no .8 Tarmount Lane hereby permitted shall be finished in render with a slate roof to match no. 6 Tarmount Lane. The windows shall be timber sliding sash and shall remain as such unless otherwise approved in writing by the Local Planning Authority.

Reason: *In the interests of visual amenity and to accord with Policies 15 and 17 of the Adur Local Plan.*

08. The off street car parking and cycle parking to the front of nos 6 and 8 Tarmount Lane shall be used for staff employed at the nursery only. Drop off and collection for parents and carers shall not be at the property frontage.

Reason: *In the interests of highway safety and to accord with Policies 15 and 33 of the Adur Local Plan.*

09. Prior to use of the extended premises staff vehicle and cycle parking provision shall be made in accordance with the approved plans and such provision shall thereafter be retained solely for such purposes.

Reason: *In the interests of highway safety and sustainability and to accord with Policies 15 and 33 of the Adur Local Plan.*

/Contd …

10. Landscaping and planting shall be carried out in accordance with the Landscape Design Strategy, Outline Plant Specification and Landscape Strategy Masterplan received 25th March 2019 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.

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

11. Following demolition of no. 8 Tarmount Lane and ancillary garage buildings to the rear of the site any damaged boundary walls or means of enclosure shall be made good and reinstated to match existing in appearance, use of materials and finish with details to be submitted to and approved by the Local Planning Authority. Work shall be completed prior to commencement of use of the building.

    Reason: *In the interests of visual and residential amenity and to accord with Policies 15, 17 and 33 of the Adur Local Plan.*

12. The recommendations and actions as contained in the Travel Plan accompanying application ADC/0141/09 shall be implemented and complied with during operation of the day nursery. A travel survey for the first 6 months of operation of the new premises shall be submitted to the Local Planning Authority within 7 months of the commencement of the extended use and any necessary measures as a result of the survey shall be agreed with the Local Planning Authority and implemented during the following 6 month period.

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

13. The external door/staircase at no 6 Tarmount Lane shall be used only for the purposes of emergency escape from the premises.

    Reason: *To prevent overlooking and having regard to Policy 15 of the Adur Local Plan.*

14. All work shall be carried out in strict accordance with details contained in the Arboricultural Impact Assessment and Method Statement - Dated 30th November 2018.

    Reason: *To protect the adjacent trees during construction work having regard to policy 30 of the Adur Local Plan.*

/Contd …

15. No part of the development shall be first occupied until pedestrian visibility splays of 2 metres by 2 metres have been provided to the east of the parking area in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

16. Open fencing/boundary treatment only shall be permitted adjacent to the frontage parking at no. 6 Tarmount Lane as shown on Drawing no. AD 101 Rev F - received 13th May 2019. Details of the proposed barrier and railings shall be submitted to and approved by the Local Planning Authority and work shall be carried out in accordance with approved details.

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

17. No demolition or construction work shall take place other than between the hours of 8am-6pm Monday to Friday and 8.30am and 1pm on Sundays only.

    Reason: *To safeguard residential amenity having regard to policies 15 and 34 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. Prior to demolition of No. 8 Tarmount Lane and the associated garage buildings the applicant is advised to contact Environmental Health for a demolition notice under the Building Act 1984.

03. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

04. The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.

Ref: AWDM/1426/22

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 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).