ADUR DISTRICT COUNCIL

Mr Courtney Darby
Darby Architectural Ltd
84 Westbourne Street
Hove
BN3 5FA

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/1351/24

Details of Development
PROPOSED CONSTRUCTION OF 6NO. TOWNHOUSES AND 2NO. MAISONETTES (TOTAL 8NO. DWELLINGS), WITHIN FOUR STOREY BUILDING. APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) AND CONDITION 3 (MATERIAL FINISHES) OF PREVIOUSLY APPROVED AWDM/1247/23. AMENDMENT: CHANGE MATERIAL FINISHES OF THE EXTERIOR OF THE DEVELOPMENT.

Location of Development
LAND BETWEEN 76 AND 78A BRIGHTON ROAD LANCING 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 23rd October 2024.

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
03/12/2024

SCHEDULE

Conditions

01. The development hereby permitted shall be carried out in accordance with the following approved plans and those approved under AWDM/1247/23, unless specified otherwise in a subsequent condition imposed on this decision notice.

Reference/Drawing Number	Version	Date Rec
COVERING LETTER		23.10.2024
MATERIALS SCHEDULE	C.01B	08.11.2024

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 permission AWDM/1247/23.

Reason: *To comply with Section 91 of the Town and Country Planning Act 1990.*

03. The development shall be completed in accordance with the approved schedule of external materials and finishes.

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

04. The boundary treatment shall be completed in accordance with the details approved under application reference AWDM/0603/24 before the buildings are occupied. 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.*

05. All hard and soft landscape works shall be carried out in accordance with the details approved under application reference AWDM/0603/24. Any plants which within a period of five years from the time of planting 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 the environment and to comply with policies 15 and 30 of the Adur Local Plan.*

06. The foul sewerage and surface water drainage shall be constructed in accordance with the details approved under application reference AWDM/0603/24 and shall remain in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Planning Authority.

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.*

07. The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:
    - A timetable for its implementation.
    - Details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.
    - A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

    Reason: *To ensure that the development achieves a high standard of sustainability and to ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with the NPPF and Policies 35 and 36 of the Adur Local Plan.*

08. Prior to the first use of the development, a detailed verification report (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include a full set of "as built" drawings plus photographs of excavations (including soil profiles/horizons), installation of any surface water drainage structures and control mechanisms.

    Reason: *To ensure that the development achieves a high standard of sustainability and to ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with the NPPF and Policies 35 and 36 of the Adur Local Plan.*

09. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (ref: 16290/01/HOP/RPT/01, prepared by HOP, dated April 2023) and the following mitigation measures:

    Finished Floor Levels for all sleeping accommodation shall be on the second floor or above and set no lower than 7.7m above Ordnance Datum (AOD).
    This mitigation measure 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 having regard to policy 36 of the Adur Local Plan and the NPPF.*

10. The approved noise protection and ventilation scheme shall be implemented prior to first occupation of any dwelling and retained thereafter.

Reason: *To protect future residents form excessive traffic noise from Brighton Road in accordance with the National Planning Policy Framework and policy 34 of the Adur Local Plan.*

11. The development shall be carried out in accordance with the Construction Management Plan approved under application reference AWDM/0603/24 and shall be adhered to throughout the construction period.

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

12. No work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or on Public Holidays. On all other days such work shall only be undertaken between the hours of 8am and 6pm, except Saturdays where work shall only be undertaken between 8.30am and 1pm.

Reason: *To safeguard the amenities of the occupiers of neighbouring properties having regard to policies 15 and 34 of the Adur Local Plan.*

13. 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 ensure adequate provision for car parking within the site having regard to policy 28 of the Adur Local Plan.*

14. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plans.

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

15. The integral garages shall be used only as private domestic garages for the parking of vehicles, cycles and for domestic storage incidental to the use of the properties as dwellings and for no other purposes.

Reason: *To ensure adequate off-street provision of parking in the interests of amenity and highway safety and to provide alternative travel options to the use of the car in accordance with current sustainable transport policies having regard to policy 28 of the Adur Local Plan.*

16. The windows in the side elevations of the building hereby permitted 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 they shall not subsequently be altered in any way.

Reason: *To prevent overlooking and to comply with policy 15 of the Adur Local Plan.*

17. 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), no windows or other openings (other than as hereby approved) shall be formed in the side walls of the building.

Reason: *To prevent overlooking and to comply with policy 15 of the Adur Local Plan.*

18. 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 dwellings shall not be extended or altered by means of any development as set out within Classes A, AA, 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.*

19. The approved Air Source Heat Pumps and solar panels shall be installed in accordance with the approved details prior to first occupation of the building.

Reason: *In the interests of sustainability and energy efficiency having regard to polices 18 and 19 of the Adur Local Plan and the NPPF.*

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. 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 Area Highway Manager (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.

03. The applicant is advised to contact the WSCC Traffic Regulation Order team (01243 642105) to obtain the necessary paperwork and commence the process associated with the proposed removal of parking bays outside the site. The applicant would be responsible for meeting all costs associated with this process. The applicant should note that the outcome of this process cannot be guaranteed.

04. 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. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link https://beta.southernwater.co.uk/infrastructurecharges.

05. 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

Ref: AWDM/1351/24

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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).