ADUR DISTRICT COUNCIL

James Breckell
James Breckell Architects
The Adur Business Centre
Little High Street
Shoreham By Sea
BN1 1YR

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/0776/19

Details of Development
APPLICATION TO VARY CONDITION 01, (APPROVED DRAWINGS) AND VARIATION OF CONDITIONS 5 (EXTERNAL MATERIALS) AND 7 (LANDSCAPING) OF PREVIOUSLY APPROVED AWDM/1868/17. AMENDMENTS INCLUDE: REVISIONS TO ELEVATIONS AND LAYOUT AND SUBMISSION OF DETAILS OF EXTERNAL MATERIALS AND LANDSCAPING.

Location of Development
8 FISHERMANS WALK SHOREHAM-BY-SEA WEST SUSSEX BN43 5LW

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 17th May 2019.

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
16/08/2019

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
ELEVATIONS & SECTION	07A	17.05.2019
FLOOR PLANS	06A	17.05.2019
PROPOSED SITE PLAN	05A	17.05.2019
EXTG & PROP BLOCK PLAN	02A	17.05.2019
EXISTING SITE PLAN	03A	17.05.2019
EXISTING PLANS & ELEVATIONS	04A	17.05.2019
EXTG & PROP LOCATION PLAN	01A	17.05.2019

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 permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (RGP Design ref. D1003/FRA/1.1, dated July 2015) and the following mitigation measures detailed within the FRA:

No habitable accommodation at ground floor (with the exception of the study hereby approved).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: *To reduce flood risk for future occupiers having regard to policy 36 of the Adur Local Plan.*

04. Construction work shall not commence until a scheme for protecting the proposed noise sensitive development from noise from the road 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 achieve the indoor ambient noise levels for dwellings and rear garden noise level specified in BS8233:2014 and shall have regard to the principles contained within the World Health Organisation community noise guidelines. Following approval and completion of the scheme, a competent person employed by the developer shall undertake a test to demonstrate that the attenuation measures proposed in the scheme meet the specified levels.

Reason: *In the interest of residential amenity having regard to policies 15 and 34 of the Adur Local Plan.*

05. The development shall be completed in accordance with the submitted schedule of materials as follows:

Walls (timber cladding): European Larch cladding
Brickwork: Vandersanden group - 156 Highbury light brown brick with a light grey joint. Bond to be a stretcher bond except on the curved corners when only headers are to be used to form the corners. https://www.vandersandengroup.co.uk/bricks/en-gb/highbury
Windows: UPVC with a grey external colour
Roof: Zinc

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

06. No part of the development shall be first occupied until the car parking spaces shown on approved drawing JB 395/planning 05A received 17.5.19 for the existing and proposed houses 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 safe and adequate provision is made within the site for parking purposes having regard to policies 15 and 28 of the Adur Local Plan.*

07. Hard and soft landscaping details shall be as per drawing JB 395 building regulations 05A received 17.5.19 and agent's email dated 25.7.19

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

08. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any order revoking and re-enacting that Order with or without modification), the proposed dwelling shall not be extended or altered by means of any development as set out within Classes A, B, C, D and E of Part 1 of the Schedule to that Order.

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

09. 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 additional windows or other openings shall be formed in any part of the building.

Reason: *To prevent overlooking and to protect the integrity of the design having regard to policy 15 of the Adur Local Plan.*

10. The rear passageway serving the backs of 161 Brighton Road, 6, 7 and 8 Fishermans Walk and the new dwelling shall remain open and unobstructed in perpetuity.

Reason: *In the interest of access and neighbour amenity having regard to policy 15 of the Adur Local Plan.*

11. Notwithstanding the details of the agreed Flood Risk Assessment in condition 3, the ground floor study hereby approved shall at no times be used or adapted to provide sleeping accommodation.

Reason: *In the interests of the safety of the future occupiers having regard to policy 36 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. Precautionary land contamination

If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol/diesel/solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until it has been investigated by the developer. The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

03. The developer should be aware that pulverised fuel ash (PFA) has been identified on Shoreham Beach. This is a potentially contaminative material, which can present as grey and ashy in nature or as small, black, coal-like deposits. It is the responsibility of the owner and developer to establish the extent of such material on the site and to carry out appropriate remediation where necessary.

04. The applicant is advised that in addition to obtaining planning permission they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:

https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/

Online applications can be made at the link below, alternatively please call 01243 642105.

https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/

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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).