ADUR DISTRICT COUNCIL

Mr Daniel Harding
Hapa Architects
11 The Old Steine
BRIGHTON
BN11EJ

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/1541/20

Details of Development
DEMOLITION OF TWO EXISTING PROPERTIES OF CONVERTED SELF-CONTAINED FLATS. ERECTION OF 4 STOREY TERRACE OF FIVE DWELLINGS (3NO. 4 BEDROOM AND 2 NO. 3 BEDROOM) WITH BALCONIES, ROOF TERRACES AND INTEGRAL GARAGES

Location of Development
106 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 7th October 2020.

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
09/06/2021

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
SUSTAINABILITY STATEMENT		09.06.2021
PLAN LEVEL 3 - ROOF TERRACE	L-203b	24.02.2021
FRONT & REAR ELEVATIONS	L-204b	24.02.2021
PLAN LEVEL 1 - UPPER GROUND FLOOR	L-201b	24.02.2021
PLAN LEVEL 2 - FIRST FLOOR	L-202b	24.02.2021
SECTION & SIDE ELEVATIONS	L-205b	24.02.2021
PROPOSED ROOF PLAN	L-206a	24.02.2021
SAFETY AUDIT RESPONSE FORM	Final	17.05.2021
RESPONSE REPORT LETTER		17.05.2021
PLAN LEVEL 0 - LOWER GROUND FLOOR	L-200D	19.04.2021
SUPPLEMENTARY HIGHWAY REPORT 2	Job No 2020/13	19.04.2021
SITE & BLOCK PLANS	AL-001b	01.06.2021
EXISTING PLANS	L-101	07.10.2020
EXISTING ELEVATIONS	L-102	07.10.2020
STAGE 1 FLOOD RISK ASSESSMENT	Job No 2020/13 Issue 1	07.10.2020
NOISE ASSESSMENT	January 2021	28.01.2021

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) (submitted by A.C. Rollings, dated 21/09/2020) and the following mitigation measures it details:
No habitable accommodation shall be placed on the ground floor; and
Resilient and resistant measures (specified in section 8.1 of the submitted FRA) shall be implemented. 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 having regard to Adur Local Plan policy 36 and the National Planning Policy Framework.*

04. 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: ensure adequate and sustainable drainage methods are constructed in the interest of amenity having regard to policies 35 and 36 of the Adur Local Plan and the National Planning Policy Framework.

05. 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 the drainage system approved under the terms of condition 4 are managed and maintained properly at all times in the interest of amenity*

having regard to policies 35 and 36 of the Adur Local Plan and the National Planning Policy Framework.

06. The developer must agree with Southern Water and the Local Planning Authority, prior to commencement of the development, the measures to be taken to protect the public sewers. These measures must be incorporated into the build thereafter and retained.

Reason: *In the interest of amenity having regard to policy 35 of the Adur Local Plan and the National Planning Policy Framework.*

07. The development shall be constructed in accordance with the recommendations in the Phlorum Noise Report dated January 2021and shall include acoustic glazing, the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, and a MVHR system for ventilation. The development shall be carried out in accordance with the approved details and shall be retained thereafter.

Reason: *In the interest of occupiers living conditions having regard to policy 34 of the Adur Local Plan and the National Planning Policy Framework.*

08. No development shall commence unless and until a construction/demolition management plan (including details of storage of construction materials /equipment/ parking/disposal of waste and surplus materials and dust suppression scheme) has been submitted to and agreed by the Local Planning Authority. The construction/demolition shall not be carried out other than in full accordance with any such approval.

Reason: *In the interests of highway safety and to minimise harm to residential amenity and to control potential pollution events that may detrimentally impact on the ecological interest of the adjacent lagoon as an SNCI having regard to policies 15, 28, 31, 34 and 35 of the Adur Local Plan.*

09. No part of the development shall be occupied unless and until the vehicle access points, parking and EV charging points shown on the approved plan L-200d have been constructed to the satisfaction of the Local Planning Authority. Thereafter such details shall be retained.

Reason: *In the interest of highway safety and the environment having regard to policy 15 of the Adur Local Plan, WSCC Guidance on Parking at New Developments (Sept 2020) and the National Planning Policy Framework.*

10. No development shall be carried out unless and until a schedule of materials and finishes to be used for the external walls (including windows and doors) and roof of the proposed building has been submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved schedule.

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

11. No works or development shall take place until full details of all hard and soft landscaping works and the proposed times of planting have been approved in writing by the Local Planning Authority and all soft landscape works shall be carried out in accordance with those details and at those times. 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.*

12. Prior to occupation plans must be submitted to and approved in writing by the Local Planning Authority showing 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 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.*

13. Notwithstanding the approved drawings and prior to occupation, the Brise Soleil structures shall be erected only in accordance with further details to be submitted to and approved in writing by the Local Planning Authority. Such structures shall thereafter be retained.

    Reason: *In the interest of appearance and neighbour amenity having regard to policy 15 of the Adur Local Plan and the National Planning Policy Framework.*

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, 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 policy 15 of the Adur Local Plan and Development Management Standard No. 1 Space Around New Dwellings and Flats.*

15. 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 shall be formed in the side walls of the dwellings.

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

16. 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 9am 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.*

17. At no time shall the approved roof terraces be extended nor the wider flat roof area accessed from elsewhere or used to form a balcony.

    Reason: *In the interest of neighbour and visual amenity having regard to policy 15 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. This site is adjacent to a Local Nature Reserve and, as such, any building works should avoid dumping waste materials/liquids into the lagoon that would result in the lagoon being polluted, in accordance with the provisions of The Environmental Protection Act 1990 Sections 34, 35 and 59, 'fly tipping' (illegally dumping).

03. 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.

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 Developer Services, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel 0330 303 0119) or www.southernwater.co.uk or email developerservices@southernwater.co.uk

05. The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.

06. Herring gulls are nesting on the roof of No.104 currently. Demolition should not take place in the breeding season.

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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.

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).