Worthing
BOROUGH COUNCIL

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Portland House
Richmond Road
Worthing BN11 1LF

APPLICATION NO. WB/07/0916/FULL

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT PROCEDURE ORDER 1995

Michael Cook Associates
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11 Goring Road
Worthing
West Sussex
BN12 4AP

PROPOSAL: Demolition of 55 Station Road and garage compound at rear, and erection of a part three and part two and part two and a half storey block of 14 new flats, with associated access road and car parking, including car barn.

LOCATION : Garage Block north east of 55 Station Road Worthing

DATE REGISTERED 14th September 2007

APPLICANT : Mr Tony Maio

WORTHING BOROUGH COUNCIL, under the above Act and Order, gives you notice that its decision upon your application described above and in Drawing Nos. 5092/01C, 5092/02C, 5092/03B, 5092/05A plus supporting documentation including Stage 1 Road Safety Audit, which accompanied the application, or as subsequently amended prior to consideration, is to

GRANT PERMISSION subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

   Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

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[redacted]

Dated : 13th March 2008

Assistant Director (Planning Services)

Note: Your attention is drawn to the notes and advice overleaf.

2. The development hereby permitted shall not commence unless and until a scheme for protecting the proposed dwellings from noise from the adjacent railway has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme as may be agreed shall be completed before any dwelling is occupied.

   Reason: To safeguard the amenities of the occupiers of the dwellings.

3. Notwithstanding the provisions of the General Permitted Development Order and subsequent amendments, no aerial facilities shall be provided for the dwellings hereby permitted other than a combined facility.

   Reason: In the interests of visual amenity

4. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until all drainage works have been carried out and completed in accordance with such details as may be approved by the Local Planning Authority. Measures shall include sustainable urban drainage systems.

   Reason: To ensure that the proposed development is satisfactorily drained.

5. The dwellings hereby permitted shall not be occupied until all of the amenity space shown on the submitted plans has been provided.

   Reason: To ensure future occupiers enjoy satisfactory amenity space.

6. The development hereby permitted shall not be commenced until the following measures have been undertaken:-

   (i) the submission of a scheme for the investigation of potential ground contamination;

   (ii) the approval of the scheme referred to in (i) above by the Local Planning Authority;

   (iii) the completion of a site investigation in accordance with any scheme as may be agreed;

   (iv) the submission to and written approval by the Local Planning Authority of the results of any such investigation;

   (v) the submission to and written approval by the Local Planning Authority of a detailed action plan for remediation of the site;

   (vi) the full implementation of the agreed action plan on the site to the satisfaction of the Local Planning Authority.

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Reason: To ensure that any ground contamination is properly remediated in the interests of amenity and the environment, in particular, to protect groundwater (Controlled Water), see Informative 3.

7. The development shall not commence unless and until a scheme for the design and construction of the dwellings hereby permitted to the standard or equivalent of the Governments Sustainable Homes Code Level 3 in respect of energy and resource efficiency and greenhouse gases as set out in categories 1 - Energy and Carbon dioxide emissions; 3 - Materials; and 6 - Pollution of the said Code and Level 2 in respect of Category 2 - Water; 5 - Waste and 9 - Ecology.

   The development shall not be implemented other than in full accordance with any such approval and no dwelling hereby permitted shall be occupied unless and until a Certificate of Compliance has been provided to the Local Planning Authority from a suitably accredited assessor to this effect.

   Reason: To ensure the building incorporates suitable sustainable design measures to minimise greenhouse gas emissions; conserve resources; safeguard and enhance wildlife and minimise waste and to offset the absence of micro renewable energy generation features in accordance with West Sussex Structure Plan policies DEV1, ERA2, PPS1 : Delivering sustainable Development and Planning and Climate Change Supplement.

8. The development shall not commence unless and until details of the boundary treatment have been submitted to an approved by the Local Planning Authority and the development shall not be built other than in full accordance with any such approval.

   Reason: In the interests of visual and neighbour amenity.

9. No dwelling shall be occupied unless and until the parking provisions as shown on the approved plans has been provided in full.

   Reason: To ensure adequate on-site parking.

10. No dwelling shall be occupied unless and until the cycle store shown on the approved drawings has been provided and shall be retained thereafter for this purpose only.

    Reason: To encourage and provide for a non car mode of transport to and from the site.

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11. No development shall take place unless and until a scheme for the suppression of dust during demolition and construction has been submitted to and agreed in writing by the Local Planning Authority. The scheme as may be agreed shall be implemented throughout the entire course of demolition and construction unless otherwise agreed in writing by the Local Planning Authority. The scheme shall comply with "Control of dust from construction and demolition activities", BRE/DTI February 2003 : BR465.

    Reason: To safeguard the amenities of the occupiers of neighbouring properties.

12. No construction work shall be carried out on the site unless and until there is available within the site, provision for the temporary parking of vehicles and the loading and unloading of vehicles associated with the building operations on the site. Details of such provision shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development. The facilities as may be agreed shall be provided and retained throughout the entire period of construction work on the site.

    Reason: In the interests of highway safety and visual amenity.

13. No development shall be carried out on the site unless and until provision is available within the site, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, to accommodate all temporary contractor's buildings, plant and stacks of materials associated with the development. Such provision as may be agreed shall be retained for these purposes throughout the entire period of construction work on the site.

    Reason: In the interests of highway safety and visual amenity.

14. With the exception of work in connection with the construction of the access road to serve the proposed development, no work shall be undertaken on the site until the said access road has been constructed in accordance with plans to be submitted to and approved in writing by the Local Planning Authority.

    Reason: In the interests of road safety.

15. No work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or on Bank or Public Holidays. On all other days such work shall only be implemented between the hours of 8.00 a.m. and 6.00 p.m. inclusive.

    Reason: To safeguard the amenities of the occupiers of neighbouring properties.

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16. The development hereby permitted shall not commence unless and until a schedule and samples of materials and finishes to be used for the external walls and roofs of the proposed buildings and details of the architectural features of the scheme including openings, dormers, barge boards, porches, roof ridges and eaves, chimneys, balconies, string courses, window heads and rainwater pipes, hopper and gutters have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be completed fully in accordance with the agreed materials and details of architectural features.

    Reason: In the interests of visual amenity.

17. No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping including supplementary screen planting on the southern, western and eastern boundaries, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection during the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. 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. All hard landscaping shall be provided prior to the occupation of the development hereby permitted.

    Reason: In the interests of amenity and of the environment of the development and to safeguard neighbour amenity.

18. The development shall not commence unless and until details of pedestrian and vehicular sightlines and splays and on-site turning areas for vehicles have been submitted to and approved by the Local Planning Authority and the development shall not be built other than in full accordance with any such approval and said approved sightlines, turning area and splays retained thereafter.

    Reason: In the interests of highway safety.

19. The development shall not commence unless and until a scheme for flood proofing and mitigation has been submitted to and approved by the Local Planning Authority to safeguard the dwellings hereby approved from flood risk and prevent increased flood risk to nearby properties and the development shall not be built and managed other than in full accordance with any such approval and the said approved measures retained thereafter.

    Reason: The development lies in a flood risk area and measures to protect future occupiers and neighbouring occupiers from flooding are required in the line with PPS25 : Development and Flood Risk.

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20. The development shall not be built other than with obscure glazed windows as shown on the approved drawings. These windows shall be fixed shut at all times and this feature and the obscure glazing shall be retained thereafter.

Reason: To safeguard the privacy of neighbouring occupiers.

INFORMATIVES

1. The decision to grant planning permission has been taken having regard to the saved policies and proposals in the Worthing Local Plan 2003 and the West Sussex Structure Plan 2001 – 2016 set out below, and to all relevant material considerations, including Government policy and guidance set out in: PPS1 : Delivering Sustainable Development and Climate Change Supplement; PPS3 : Housing; PPG13 : Transport and PPS25 : Development and Floor Risk.

Saved Worthing Local Plan Policies 2003

BE1 - Design Quality
H10 - Loss of Existing Dwellings
H18 - Amenity of Residents
RES7 - Control of Polluting Development
RES12 - Provision of Infrastructure
TR9 - Parking Requirements for Development

Saved West Sussex Structure Plan Policies 2001 – 2016

CH1 - Character
DEV1 - High Quality Development
DEV3 - Infrastructure requirements
DEV4 - Travel needs and choices
DEV5 - Parking Provision
ERA1 - Making the best use of land
LOC1 - Locational strategy
NE1 - Level of residential and employment development
NE5 - Employment provision

The Committee were mindful of local concerns but considered the principle of the development acceptable in this sustainable location, without harm to the local economy and contributing towards Structure Plan housing targets. It also provides a good dwelling mix. The density exploits the site to the full, though any notional opportunity for a more comprehensive redevelopment may be lost. the chief aim of the proposal is met by providing an upgraded and safe vehicular access and there is more than ample parking, generally arranged to minimise visual and neighbour impact. With the refuse storage area now resited, suitable use of obscure glazing and landscape screening and acoustic insulation to the flats, the amenity of neighbours and future occupiers would be safeguarded.

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A number of sustainable design features have been incorporated which help compensate for the absence of micro-renewable energy measures. No significant flood risk is apparent but measures to secure adequate drainage and safeguard against land contamination are necessary.

The latest design revisions are a major improvement on preceding proposals. They lend the scheme an authenticity and character which integrates well into the townscape, despite the scale of the warehouse building and would create a genuine sense of place. They fully meet the more onerous design quality tests in Government policy.

Subject to suitable conditions and the necessary unilateral undertaking to secure required development contributions, the proposal is acceptable.

This information is only intended as a summary of the reasons for grant of planning permission. For further details on the decision please see the application report which is available from the Planning Reception at Portland House, Richmond Road, Worthing.

2. This permission is the subject of a unilateral undertaking which covenants the owner or successors, as appropriate, to pay a development contribution of £19,789 towards upgrading local outdoor recreation facilities; £14,338 towards upgrading local transport facilities and £217 towards fire service infrastructure, payable within 7 days of commencement of development.

3. In respect of Condition 6, the developer's attention is drawn to the following advice:

Environment Agency

Condition 6 (i), this should include a desk study identifying all previous users; potential contamination associated with those users; a conceptual model of the site indicating sources, pathways and reception and potentially unacceptable risks arising from contamination at the site.

Worthing Borough Council : Environmental Health Manager

In respect of the submitted land contamination report, the Environmental Health Manager is satisfied that the report provides a preliminary investigation of the contaminative state of the site. However, further soil sampling and quantitative risk assessment will be required in order to fully satisfy this Department that the risk posed by possible ground contamination has been assessed at this site.

It is considered that the sampling locations for a development of this nature were insufficient and poorly located. It is requested that additional samples be retrieved from the site in areas which are to be soft landscaping as detailed in the approved development plans. Furthermore, the analysis suite for these additional soil samples must be based on the information provided in CLR 8 and therefore must include analysis for chlorinated hydrocarbons.

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With regard to the quantitative risk assessment, neither the preliminary geo-environmental report nor the accompanying document seeks to undertake a quantitative risk assessment. This is a critical aspect of any site investigation where intrusive soil sampling and analysis have been undertaken. Consequently, I request that such an assessment is undertaken on the samples already undertaken as well as those additional samples which are to be taken.