WORTHING BOROUGH COUNCIL

Mr Adam King
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Brooklyn Chambers
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PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/0692/20

Details of Development
AMENDMENT TO PLANNING PERMISSION AWDM/1107/15 TO DEVELOP 2NO. 4-BEDROOM DETACHED HOUSES ON PLOT 3 OF CONSENTED SCHEME AWDM/1566/13. AMENDMENTS INVOLVE LARGER DWELLING FOOTPRINTS

Location of Development
THE DRIVE MILL LANE WORTHING WEST SUSSEX BN13 3DF

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 25th August 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
18/05/2021

Worthing Borough 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
SITE LAYOUT PLOTS 3(A) & 3(B)	PL-010 Rev P6	06.04.2021
PLOTS 3A & 3B FLOOR PLANS, ELEVATIONS & SECTION	PL-011 Rev P4	06.04.2021
DESIGN & ACCESS STATEMENT APRIL 2020	5278/C01	25.08.2020
Cover Letter	Dated 28 April 2020	25.08.2020
LOCATION PLAN	LOC-001 Rev P1	25.08.2020
TREE CONSTRAINTS PLAN	PL-012 Rev P4	25.08.2020

Reason: *For the avoidance of doubt and in the interests of proper planning.*

02. Notwithstanding the approved drawings, no development shall take place on plots 1 and 2 unless and until elevations and floorplans at an appropriate scale have been submitted to and approved in writing by the Local Planning Authority in respect of:-

a) External doors, rooflights and windows
b) Chimneys
c) porches
d) dormers
e) bargeboards and eaves
f) external meter boxes, flues, cables etc. associated with utilities and services.

The development shall not be built other than in full accordance with any such approved details and shall be retained thereafter.

Reason: *To safeguard the appearance and character of the area and to ensure a high standard of design having regard to policy 16 of the Worthing Core Strategy.*

03. Notwithstanding the submitted plans, no dwelling hereby approved shall be occupied unless and until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping and allied management plan for a 10 year period following first planting. The soft landscaping scheme and allied management plan shall include:-

a) indications of all existing trees, bushes and hedgerows on the land and details of those to be retained, together with measures for their protection in the course of development and management thereof; and

b) proposals for new planting and management thereof

with particular reference to retaining and enhancing the boundary planting to screen the development from adjacent dwellings and gardens; compensatory planting for the TPO trees felled as part of the approved scheme; and maintaining the sylvan character of the site as viewed from the public realm. In particular no occupation of plot 3a or 3b shall take place unless and until a scheme for boundary screen planting has been submitted to and agreed by the Local Planning Authority and implemented accordingly such that the said planting provides a continuous screen between the site and boundary with Nos 15 and 16 Hayling Gardens of at least 5 ms in height. This shall be retained at such thereafter, unless agreed otherwise in writing by the Local Planning Authority.

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, or in advance as set out in the agreed Management Plan, and any trees or plants which, within a period of 10 years of first planting, are removed, die or are diseased or damaged shall be replaced as soon as practicable with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

No dwelling hereby approved shall be occupied unless and until a scheme for the hard landscaping and boundary treatment has been submitted to and approved in writing by the Local Planning Authority and has been implemented in accordance with any such approval. The approved details of hard landscaping and boundary treatment shall be retained thereafter.

Reason: *In the interests of visual amenity and the environment and to prevent nuisance to future occupiers of the development and to comply with policy 16 of the Worthing Core Strategy and saved Worthing Plan H18.*

04. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification),

1) No new windows shall be inserted in the upper floors or roof of any of the following elevations;

a) Plot 1: north; east; west

b) Plot 2: north; east; west
c) Plot 3a: north; south; west
d) Plot 3b: north; south; west

2) The following first floor windows shall be obscure-glazed and non-opening up to a height of 1.7 measured from finished floor level:-

a) Plot 1: west elevation
b) Plot 2: east elevation
c) Plot 3a and 3b: north elevation; (bathroom)

3) The following windows shall be obscure glazed and non opening:-

a) Plot 3a south facing landing/stair window, south facing first floor bedroom window (bedroom 4/study), south facing rooflight windows, west facing rooflight window
b) Plot 3b south facing rooflight windows, west facing rooflight window

and the above windows shall not subsequently be altered in any way.

Reason: *To prevent overlooking and to comply with saved policy H18 of the Worthing Local Plan.*

05. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification), the proposed dwellings shall not be extended or altered or any incidental building over 5 cubic metres in volume erected within its curtilage, except as required to provide for cycle or domestic waste storage or solar/pv panels as agreed by the Local Planning Authority in writing.

Reason: *In the interests of amenity and the environment having regard to saved policy H18 of the Worthing Local Plan and policy 16 of the Worthing Core Strategy.*

06. No dwelling hereby approved shall be occupied until the allied garage, car port, open parking and garden has been provided in accordance with the approved drawings.

Reason: *In the interests of future occupiers amenity and to meet parking demand to comply with saved policy H18 of the Worthing Local Plan, Worthing Borough Council Supplementary Planning Document on residential space standards and the National Planning Policy Framework.*

07. Within one month details a Construction Method Statement, comprising details of the siting of allied parking, materials, plant and equipment and dust suppression measures shall be submitted to and approved in writing by the Local Planning Authority. In any event, 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. Construction and demolition and allied working at the site shall not take place other than in full compliance with the Construction Method Statement.

Reason: *In the interests of neighbour amenity in accordance with saved Local Plan Policies H18 and RES7 and The National Planning Policy Framework.*

08. No dwelling shall be occupied unless and until details of siting and design of domestic waste/recycling storage and access for refuse collection vehicles has been submitted to the Local Planning Authority and provided in full compliance with any such approval. Thereafter the facilities shall be retained.

Reason: *To safeguard the amenities of the occupiers of the new dwellings and neighbouring properties having regard to saved policies H18 and RES7 of the Worthing Local Plan, Core Strategy Policy 16, Manual for Streets 2 and National Planning Policy Framework.*

09. No dwelling shall be occupied until the parking spaces and turning space shown on the approved plans have been provided and constructed. The parking facilities and turning space so provided shall not thereafter be used for any purpose other than the parking and manoeuvring of vehicles correspondingly.

Reason: *To ensure that adequate provision is made for parking vehicles clear of the highway in accordance with The National Planning Policy Framework.*

10. No dwelling shall be occupied unless and until details of the access from the site to Mill Lane including its design, lighting, surface, visibility splays, sight lines and allied turning heads have been submitted to and approved by the Local Planning Authority. The development shall not be built other than in full accordance with any such approval.

Reason: *In the interests of road safety and visual amenity in accordance with Core Strategy Policy 16, The National Planning Policy Framework and Manual for Streets.*

11. No demolition, development or other site clearance works shall take place other than in full compliance with the following measures:-

a) No removal of trees or shrubs shall be carried out on site between March to August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority. Where vegetation must be cleared during the bird breeding season a check for nesting birds by a suitably qualified ecologist will be required. Any vegetation containing occupied nests will be retained until the young have fledged. The location details of the compensatory nesting provision to be supplied to the Local Planning Authority for approval prior to their erection.

b) To avoid the possibility of harming slow-worms, A.fragilis, or other protected species, the site should be cleared in stages.

c) During site clearance and building work the ground within the development should be kept clear of vegetation or debris, to prevent colonisation by reptiles from surrounding areas. The land should be maintained as bare ground or very short vegetation (under 5 cm tall) until all work is complete (including landscaping planting etc.).

d) Where reptile habitat needs to be cleared, this should be done so as not to harm protected or important species.

e) Clearance should be done in warm weather, when reptiles are active.

f) Clearance should be done by strimmer, cutting a strip initially close around the house of up to three metres wide to a height of about 10 cm, removing cut material. Animals exposed by this will then move to the nearest remaining cover.

g) After at least a day of further warm weather, this strip should be mown as short as possible, and a further strip cut to 10 cm.

h) Cutting should proceed progressively, starting from the house until the site boundary is reached in stages.

i) Any rubble or debris piles located within the site should be cleared by hand on warm days and any animals encountered allowed to escape into the surrounding gardens.

j) Clearance of breeding bird habitat should be done so as to avoid harm to breeding birds. Such habitat includes any dense vegetation such as brambles, bushes, hedges, or nettles under scrub, as well as larger trees.

No dwelling shall be occupied unless and until a scheme for the ecological enhancement (including provision for its implementation in a timely manner) of the adjacent Site of Local Nature Importance, known as the Gallops, or other nearby site agreed by the Local Planning Authority has been submitted to and approved by the Local Planning Authority and secured to the satisfaction of the Local Planning Authority.

Reason: *To protect existing wildlife and to provide compensatory offsetting in accordance with The National Planning Policy Framework and Core Strategy policy 13.*

12. No occupation of plots 1, 2 or 3a or 3b shall commence unless and until The Drive has been demolished.

Reason: *In the interests of future occupiers amenity in compliance with The National Planning Policy Framework and saved policy H18 of the Worthing Local Plan.*

13. Within one month full details of the proposed surface water drainage scheme for plots 3a and 3b shall be submitted to and approved in writing by the Local Planning Authority. Schemes for the disposal of surface water for plots 1 and 2 shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of these plots. 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: *In the interest of sustainable drainage and to ensure the development is adequately drained in accordance with saved Local Plan Policy H18; Core Strategy Policy 15 and the National Planning Policy Framework.*

14. Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.

    Reason: *In the interest of sustainable drainage and to ensure the development is adequately drained in accordance with saved Local Plan Policy H18; Core Strategy Policy 15 and the National Planning Policy Framework.*

15. No dwelling shall be occupied unless and until samples of the external materials/finishes/colour of the development have been submitted to and approved in writing by the Local Planning Authority and the development shall not be built other than in full compliance with any such approval.

    Reason: *In the interests of visual amenity in accordance with Core Strategy Policy 16 and The National Planning Policy Framework.*

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. The County Ecologist advises that:

The applicant is advised that should protected species such as bats be found to be present during clearance activities all work must stop and Natural England informed. A licence may be required from Natural England before works can re-commence, Natural England will advise

03. The Applicant is reminded that the development the subject of this decision notice is liable for Community Infrastructure Levy (CIL). A CIL Liability Notice will be issued to the liable person(s) and a CIL Land Charge added to the register. CIL will become liable upon commencement of the development with the liable person(s) required to submit a CIL Commencement Notice at least one day before the development commences. Further information can be found on the Council's website via the link https://www.adur-worthing.gov.uk/planning-policy/infrastructure/

In calculating individual charges for the levy, regulation 40 (as amended by the 2014 Regulations), requires collecting authorities to apply an index of inflation to keep the levy responsive to market conditions. The index is the national All-In Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institution of Chartered Surveyors. This index presents forecast figures, which are updated and finalised periodically. To reduce the need for repeated re-calculation indexing will be applied from the previous 1st November of the date of the CIL Liability Notice to the previous 1st November of the date the payment is due using the national all in Tender Price Index.

04. All Planning Applications for both domestic and non-domestic premises that have been granted approval for new development or conversions will require a new, or amended property address for the proposed development. Developers will be required to submit a Street Naming and Numbering Application to the Street Naming and Numbering Department upon commencement of works to enable the new development to be officially addressed in compliance with the British Standard of Addressing; known as BS7666. Developers are invited to complete their Street Naming and Numbering Application via the following link to the councils' website: www.adur-worthing.gov.uk/naming-and-numbering Information and guidance regarding the Fees for the service provided are also available at this location. Alternatively, please do not hesitate to contact the Street Naming and Numbering Department via the following methods should you have any queries; Street Naming and Numbering, Adur & Worthing Councils, Portland House, 44 Richmond Road, Worthing BN11 1HS. Telephone Number: 01903 221479. Email: llpg@adur-worthing.gov.uk

05. 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

06. 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.

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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).