Worthing Borough Council

Planning, Regeneration and Wellbeing

Mr Scott Theobold
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The Cottage
104 Hallyburton Road
Hove
East Sussex
BN3 7GN

PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)(ENGLAND) ORDER 2010

APPLICATION NUMBER: AWDM/1566/13

Details of Development
REDEVELOPMENT TO PROVIDE 4 DETACHED HOUSES (AWDM/0615/13); AMENDMENTS TO PLOT 4 (VARIATION OF CONDITIONS 2, 3, 4 AND 8) INCLUDING REMOVAL OF GARAGE AND PROVISION OF CAR PORT; EXTENSION TO GROUND FLOOR (SOUTH ELEVATION) AND PERGOLA; CREATION OF PORCH AND SOLAR PANELS ON ROOF ; INSERTION OF TWO FIXED SHUT OBSCURE GLAZED WINDOWS IN UPPER FLOOR OF WEST FLANK AND ROOFLIGHT IN FRONT SLOPE AND RESITING CHIMNEY TO EAST FLANK AWDM/1566/13)

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 19th December 2013.

This is for reasons stated on the schedule overleaf and subject to compliance with the conditions specified thereon.

James Appleton
Executive Head of Planning, Regeneration and Wellbeing
13/02/2014

Worthing Borough Council

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SCHEDULE

Reasons for Granting Permission

01. The proposal site is located within an established, though peripheral, residential area where taking into account local factors, the loss of the garden land is acceptable and the form, size, mix and density is not inappropriate and will contribute towards meeting housing targets. Its comprehensive form knits together more recent piecemeal development schemes and relates acceptably to the more established pattern of development, though some perceptible but generally acceptable impact on the skyline would occur. Overall, the design of the development is satisfactory and achieves a sense of place. Some impact on the neighbouring properties in terms of outlook would occur but not unacceptably so with the safeguards proposed, particularly landscaping. The loss of the Tree Preservation Order trees is regrettable but acceptable in view of the compensatory planting and wider scheme benefits. No harm to the setting of the South Downs National Park would result and access and parking are acceptable. No other unacceptable environmental impact would result. The changes to plot 4 do not affect the above. Subject to the safeguards secured in the Conditions, the proposal is, on balance, acceptable in relation to Worthing Core Strategy (policies , 7, 8, 9, 12, 13, 14, 15,16, 17, 18 and 19), the Worthing Local Plan (H18, TR9 and RES7), The National Planning Policy Framework, Worthing Supplementary Planning Document on Residential Space Standards, 1949 National Parks and Access to Countryside Act, Manual for Streets 2 and all other material considerations.

Conditions

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans including ground levels unless specified by any other condition attached to this planning permission:-

Drawing No 5278 LOC 4 Date validated 18.6.13 (Except plot 4)
Drawing No 5278 32-J Date received 13.9.13 (Except plot 4)
Drawing No 5278 33 Date validated 18.6.13 (Except plot 4)
Drawing No 5278 34 Date received 13.9.13 (Except plot 4)
Drawing No 5278 41-B Date received 2.9.13 (Except plot 4)
Drawing No 5278 42-A Date validated 18.6.13 (Except plot 4)
Drawing No 5278 43-C Date received 15.7.13 (Except plot 4)
Drawing No 5278 44-E Date received 2.9.13 (Except plot 4)
LLD251 Existing Tree Schedule received 26.6.13
Bat Survey received 18.6.13
Bat Survey received 17.7.13
Ecological Survey : February 2005

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In relation to plot 4:

Drawings 107 GA01-B Date validated 29.1.14
Drawings 107 GA02-B Date validated 29.1.14
Drawings 107 GA03-B (Ciii.glazed car port roof) Date validated 29.1.14
Drawings 107 GA04-B Date validated 29.1.14
Drawings 107 GA05-B Date validated 29.1.14
Drawings 5278 LOC-4 Date validated 19.12.13

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

03. Notwithstanding the approved drawings, no development shall commence 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.*

04. 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.

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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.*

05. The development shall not be occupied unless and until a suitable certificate from an accredited assessor has been received by the Local Planning Authority to demonstrate the development has been designed and built to achieve at least Level 3 of the Government's Sustainable Homes Code or the equivalent of any successor.

Reason: *To ensure the development optimises the potential for sustainable design in accordance with The National Planning Policy Framework and Core Strategy Policy 17.*

06. 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 3: north; south; west
d) Plot 4: west; east; south

The following upper 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 3: north; south; west
d) Plot 4: west; east

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.*

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07. 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 meet the requirements of Code For Sustainable Homes accreditation level 3 in respect of 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.*

08. 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.*

09. No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority a Construction Method Statement, comprising details of the siting of allied parking, materials, plant and equipment and dust suppression measures. 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.*

10. 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.*

11. 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.*

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12. 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.*

13. 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.

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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.*

14. No occupation of plots 1, 2 or 3 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.*

15. The development hereby permitted shall not be commenced unless and until such time as a scheme to dispose of surface water in a sustainable fashion has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and retained thereafter.

Reason: *In the interest of sustainable drainage in accordance with Core Strategy Policy 15 and the National Planning Policy Framework.*

16. No dwelling shall be occupied unless and until samples of the external materials/finishes 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.

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03. Southern Water advises that: no public surface waters in the area to serve the development and no alternative means of drainage the site are necessary, excluding use of public foul sewers.

04. Precautionary land contamination

Any visibly contaminated or odorous material, (for example asbestos, stained soil, petrol/diesel/solvent odour, underground tanks/vessels or associated pipework) is found to be present at the site, it is the responsibility of the owner and developer to establish the extent of any potentially harmful material on this site. It is advised that no further development shall be carried out until it has been investigated. It is recommended that the Local Authority's Environmental Health Department is contacted for further advice.