Worthing
BOROUGH COUNCIL

Portland House
Richmond Road
Worthing BN11 1LF

APPLICATION NO. WB/10/0553/FULL

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

Mr A King
Michael Cook Associates
Brooklyn Chambers
11 Goring Road
Worthing
West Sussex
BN12 4AP

PROPOSAL: Development of 14 No. houses with associated parking and landscaping.

LOCATION : Builder Center Park Road Worthing

DATE REGISTERED 29th June 2010

APPLICANT : Oakfawn Properties

WORTHING BOROUGH COUNCIL, under the above Act and Order, gives you notice that its decision upon your application described above and in Drawings: 5252/LOC; 5252/01/B; 5252/02/B; 5252/03/B; 5252/04/B; 5252/05/B; 5252/06/B; 5252/07/A and topographical survey (sheets 1 and 2) 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 five years from the date of this permission.

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

Cont.....

[redacted]

Dated : 28th September 2010

Executive Head of Planning,
Regeneration and Wellbeing

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:- 5252/LOC; 5252/01/B; 5252/02/B; 5252/03/B; 5252/04/B; 5252/05/B; 5252/06/B; 5252/07/A, topographical survey (sheets 1 and 2).

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

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatments, including screen walls and/or fencing, to be erected. Thereafter the boundary treatment and screen walls/fencing shall be carried out in accordance with such details as have been approved before the dwellings hereby permitted are occupied.

   Reason: In the interests of visual amenity and to comply with saved Policy BE1 of the Worthing Local Plan.

4. The car 'barns' and 'pergolas' hereby permitted shall be used only for the garaging of private motor vehicles and for no other purpose.

   Reason: To ensure adequate provision for parking clear of the highway and to comply with saved Policy TR9 of the Worthing Local Plan.

5. Notwithstanding the details shown on the approved plans, precise details of the design, materials and construction of the car 'pergolas' shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. Thereafter, the car 'pergolas' shall be carried out only in accordance with such details as have been approved.

   Reason: To ensure a satisfactory appearance of development that is fit for purpose and to comply with saved policies BE1 and TR9 of the Worthing Local Plan.

6. The dwellings shall not be occupied until the parking spaces (to include the provision of disabled parking), and the turning facilities (including for emergency and refuse vehicles) shown on the submitted plans have been provided in accordance with construction details to be submitted to and approved in writing by the Local Planning Authority. The areas of land so provided shall thereafter be retained and shall not be used other than for their designated purpose.

   Reason: To ensure adequate provision for parking clear of the highway and to comply with saved Policy TR9 of the Worthing Local Plan.

Cont.....

7. The development hereby permitted shall not commence until details of the materials to be used for the surface of the car parking areas, access road and pavement, and the details and positions of the street bollards, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the surfacing of the parking areas, access road and pavement, and the street bollards, shall only be carried out in accordance with such details as have been agreed.

   Reason: To ensure a satisfactory appearance of development that is fit for purpose and to comply with saved Policies BE1 and TR9 of the Worthing Local Plan.

8. The access from the site to the public highway shall be laid out and constructed with kerb radii, visibility splays and a permanent sight line from the proposed access southwards, in all respects in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority before any other operation or use authorised by this permission is commenced. Thereafter such visibility splays and sight lines shall be kept clear of any obstruction.

   Reason: In the interests of highway safety and to comply with saved Policy TR9 of the Worthing Local Plan.

9. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Statement shall be implemented and adhered to throughout the entirety of construction period. The Statement shall provide for:-

   (i) the parking of vehicles of site operatives and visitors;
   (ii) loading and unloading of plant and materials;
   (iii) storage of plant and materials used in construction of the development;
   (iv) programme of works (including measures for traffic management);
   (v) wheel washing facilities;
   (vi) provision of boundary hoarding behind any visibility zones.

   Reason: In the interests of highway safety and amenity.

10. 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 order that the development does not prejudice highway safety nor cause inconvenience to other the highway users.

Cont.....

11. 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 [including by any enlargement of the roof under Class B] or otherwise altered externally unless permission is granted by the Local Planning Authority on an application in that behalf.

    Reason: In the interests of amenity and the environment and to comply with saved Policies BE1 and H18 of the Worthing Local Plan.

12. No development of any kind (including site clearance and demolition) shall take place unless and until a scheme for the suppression of dust during demolition/site clearance and construction has been submitted to and agreed in writing by the Local Planning Authority. The scheme as agreed shall be implemented throughout the entire course of demolition/site clearance and construction works on the site unless otherwise agreed in writing by the Local Planning Authority.

    Reason: To safeguard the amenities of the occupiers of neighbouring properties having regard to saved Policy RES7 of the Worthing Local Plan.

13. 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 having regard to saved Policy RES7 of the Worthing Local Plan.

14. Details of all external lighting of the development shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out in accordance with such details as have been agreed before first occupation of the dwellings hereby permitted.

    Reason: In the interests of amenity and to comply with saved Policy RES7 of the Worthing Local Plan.

Cont.....

15. 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, which shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in 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, and 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 visual amenity and the environment and to comply with saved Policy BE1of the Worthing Local Plan.

16. No development shall commence unless and until a specification and samples of materials and finishes for the external walls, windows (including rooflight windows) and roofs (including ridges and hips) of the development hereby permitted, and drawings and sections at a scale not less than 1:5 of the detailed design of the dormers, rooflight windows, chimneys, doors, windows (including the window heads, sills and the set-back of the window from the external wall face), eaves and bargeboards, porches and porticos have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall only be carried out in accordance such details and samples as have been agreed.

Reason: In the interests of visual amenity and to comply with saved Policy BE1 of the Worthing Local Plan.

17. No development shall be carried out unless and until a schedule and samples of the colour(s) of the rendered walls of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with such colour(s) and samples has have been agreed.

Reason: In the interests of visual amenity and to comply with saved Policy BE1 of the Worthing Local Plan.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or as subsequently amended) the elevations of the dwellings hereby permitted shall not be painted other than in the precise colour(s) agreed under condition 17 of this permission.

Reason: In the interests of visual amenity and to comply with saved Policy BE1 of the Worthing Local Plan.

Cont.....

19. Provision shall be made for combined TV/aerial facilities to serve all the dwellings within the development in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to comply with saved Policy BE1 of the Worthing Local Plan.

20. No dwelling shall be occupied unless and until provision has been made for refuse storage enclosures to serve the development (which obviates any need to place bins or storage receptacles on the public highway on collection day) in accordance with details (including their siting, design and materials), which shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: To safeguard the appearance of the development and in order that the development should not prejudice highway safety or cause inconvenience to other highway users.

21. A proportion of not less than 10% of the operational energy demand of the development hereby permitted to be met or secured by decentralised and renewable and/or low carbon energy sources (e.g. biomass, ground source heating and cooling, solar thermal and photovoltaic generation, wind generation, waste heat that would otherwise be generated directly or indirectly from fossil fuel), as compared to the operational energy demand of the development without such measures, and in compliance with the prevailing Building Regulations standards. The development shall not be built or constructed other than in full accordance with any such measures details of which shall have been submitted to and approved in writing by the Local Planning Authority and thereafter shall be retained and maintained in accordance with the manufacturers instructions.

Reason: To ensure that the development is sustainable and to optimize the potential for energy efficiency, low carbon and renewable energy having regard to 'Planning and Climate Change: Supplement to PPS1'.

22. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

(1) A preliminary risk assessment which has identified:-

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors;
- potentially unacceptable risks arising from contamination at the site;

Cont.....

(2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(3) The site investigation results and the detailed risk assessment (1 + 2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

(5) Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan and for the reporting of this to the local planning authority.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To safeguard against pollution and to comply with saved Worthing Local Plan policy RES9 and 'Planning and Pollution Control: PPS23'.

23. 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, then 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.

Reason: In the interests of environmental protection and public safety and to comply with 'Planning and Pollution Control: PPS23'.

Cont.....

24. The development hereby permitted shall not be commenced unless and until details of the proposed surface water drainage and means of disposal have been submitted to and approved by the Local Planning Authority. No infiltration into the ground shall be permitted except where it has been demonstrated that there is no resultant unacceptable risk to groundwater. No building shall be occupied until all drainage works have been carried out and completed in accordance with such details as have been approved by the Local Planning Authority.

    Reason: To ensure that any potential risk to the underlying major aquifer from contamination is fully mitigated.

25. The development hereby permitted shall not be commenced until a scheme for protecting the proposed dwelling(s) from noise from the adjoining vehicle repair garage which has been based on the results of a noise survey has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be completed before the any dwelling is occupied.

    Reason: In the interests of residential amenity and to comply with saved Policy RES7 of the Worthing Local Plan.

26. The development hereby permitted shall not be commenced until a scheme for the design of the foundations of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. Piling or any other foundation design using penetrative methods shall not be permitted except for those parts of the site where it has been demonstrated that there is no unacceptable risk to groundwater. Thereafter, the development shall only be carried out in accordance with the agreed details.

    Reason: To ensure that any potential risk to the underlying major aquifer from contamination is fully migrated.

27. The existing flint boundary wall fronting Park Road shall be retained in situ and adequate measures shall be taken throughout the entirety of demolition and construction works on the site to protect it from collapse or damage. Any damage to the wall occurring during the demolition or construction works shall be made good and carried out as far as is practicable in matching flintwork prior to first occupation of the dwellings hereby permitted.

    Reason: In the interests of visual amenity and to comply with saved Policy BE1 of the Worthing Local Plan.

Cont.....

WB/10/0553/FULL

INFORMATIVES

Reason For Approval

1. Having regard to the particular circumstances of the site the Planning Committee resolved that the environmental benefits of the residential development outweighed the loss of employment land. The proposal for 2, 3 and 4-bedroom houses would help meet a need for family houses identified in the Council Strategic Housing Market Assessment (SHMA). The siting, massing, orientation, layout, architectural composition and traditional detailing of the proposed development would complement the special environmental character of Park Road and would not detract from the setting of the adjoining Warwick Gardens Conservation Area and Steyne Gardens Conservation Area. The proposed development can take place without adversely impacting on the residential amenities of the occupiers of neighbouring properties and without detracting from highway safety. It therefore does not conflict with saved Local Plan policies RES7, RRS9, BE1, BE25, TR9, H18, Submission Core Strategy Strategic Objective 4 and policies 4, 7, 10, 12, 16, 17, 18 and 19, or national planning policy contained in PPS:1, PPS:3, PPS:5, PPG:13, PPS:23 and PPG24.

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.