Worthing Borough Council

Planning, Regeneration and Wellbeing

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PLANNING PERMISSION

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

APPLICATION NUMBER: 11/0107/FULL

Details of Development
APPLICATION TO VARY CONDITION 3 OF PLANNING PERMISSION WB/03/00842/FULL (AS VARIED BY WB/04/01147/FULL) BY REDUCING CAR PARKING FROM 27 TO 20 SPACES THROUGH OMITTING BASEMENT CAR PARK AND REARRANGING THE SURFACE PARKING , TOGETHER WITH ALLIED ALTERATIONS TO THE LAYOUT.

Location of Development
LAND AT 84-92 HEENE ROAD WORTHING 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 10th February 2011.

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
12/06/2012

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SCHEDULE

Reasons for Granting Permission

01. The Council has determined the application in relation to the Development Plan and all other material conditions as required under Section 54A of the Town and Country Planning Act 1990 (as amended). The relevant parts of the Development Plan are;

saved Worthing Local Plan Policies H18; RES7 and TR9;
South East Plan Policies BE1, BE6; SP3; CC1; CC2; CC3; CC4; H1; H3; H4: H5; T2; T4; NRM1; NRM4; SCT1;and SCT5;
Worthing Core Strategy Policies7, 8, 9,10,12, 13, 15, 16, 17, 18 and 19 and Space Standards Supplementary Planning Document.

Relevant material considerations include The National Planning Policy Framework; CIL Regulations 2010; Circular 05/05; Greater Flexibility For Planning Permissions and all representations an consultations received and planning history.

The Council finds that:

The proposal amends an approved and live planning permission dating back to 2003 (WB/03/00842/FULL as amended by WB/04/01147/FULL) by making some relatively modest changes to the physical form and most notably reduces on site parking levels. The proposal is sustainably located and makes effective use of a cleared but prominent brownfield site in a sustainable location. Non-family flats are acceptable in view of the particular circumstances and the design is satisfactory. No significant harm to neighbour amenity would arise and the development achieve an acceptable standard. The reduced parking is acceptable if occupation restricted to over 55s. The complementary Non Material Amendments to WB/03/00842/FULL as amended by WB/04/01147/FULL are accepted.

It is acknowledged that there is a pressing need for more affordable housing in the town but the developer has demonstrated that the new affordable development contributions and sustainable design requirements now required under Worthing Core Strategy policies adopted since the original planning permission makes the scheme unviable. In view of the development appraisal submitted and taking into account the broader circumstances of the development including history, the modest changes proposed and Government advice in this area of viability, along with the benefits to be gained from encouraging early development of the site, the proposal is, on balance, acceptable subject to the overage clause in the accompanying legal agreement to capture development profits for affordable housing should profitability improve significantly in the future. The aforementioned legal agreement carries forward previously required and updated development contributions for transport and outdoor recreation but omits education development contributions due to the age occupancy of the future occupiers. Subject to the legal agreement and re-imposition of suitably amended previous conditions and new restrictions on occupation the proposal is acceptable.

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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 unless specified by any other condition attached to this planning permission;-

Plan ref 4387/17-A Date received 24.02.2011
Plan ref 4387/18-A Date received 24.02.2011
Plan ref 438/13 H as approved under WB/04/01147/FULL
Plan ref 4387/12J as approved under WB/04/01147/FULL.

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

03. No dwelling shall be occupied unless and until the car parking has been provided in accordance with the approved plans and thereafter the said parking spaces shall not be used for any other purposes.

Reason: *To ensure adequate car parking provision in accordance with Core Strategy policy 19.*

04. The units hereby approved shall be occupied only by persons who are 55 years of age or over, except in the case of a couple living together, where only one must be 55 years of age or over. This age restriction does not apply to visitors who stay over in the units.

Reason: *In accordance with the proposal, the absence of development contributions towards education facilities and in view of the limited amenity space and reduced car parking.*

05. The vehicular access and visibility splays/sightlines shall be provided in accordance with drawing 4387/107 deposited 19.8.08 and shall be retained thereafter.

Reason: *In the interest of road safety.*

06. No construction or demolition shall take place other than in full accordance with the schedule of measures deposited 19.8.08.

Reason: *To prevent disturbance to neighbours in accordance with saved Local plan policy H18.*

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07. No construction/demolition work to implement this permission shall take place outside of 8am to 6pm Monday to Saturday and no work shall take place on any Sunday or Public Holidays.

Reason: *To prevent disturbance to neighbours in accordance with saved local plan policy H18.*

08. No dwelling shall be occupied unless and until the landscaping has been provided in accordance with drawing LLD 177/02-02 deposited 16.4.08 and LLD 177/Boundary deposited 19.8.08 and as agreed in the letter from Mrs O'Keefe (Worthing Borough Council) dated 17.8.08 (permeable concrete block paving: marshalls tegula priora- burnt ochre for the access road up to the ramp) subject to submission of and approval by the Local Planning Authority of the details of the amended landscaping shown on drawing 4387/17-A, and the incorporation of additional measures to break up the expanse of hard landscaping created by the removal of the enclosed parking and supplementary soft landscaping.

The approved scheme shall be implemented prior to first occupation of any dwelling and any planting which dies, fails or is damaged within the first 5 years after first planting shall be replaced by an equivalent species like for like.

Reason: *In the interest of amenity and ecology in accordance in the core strategy policies 16 and 13.*

09. The external materials used shall be in accordance with the schedule deposited on 19.8.08.

Reason: *To ensure a good standard of appearance in accordance with Core Strategy policy 16.*

10. The windows on the south elevation of Block A hereby permitted shall be obscure glazed and openings restricted in accordance with drawing 438/13 H (as previously approved as part of planning permission no.WB/04/01147/FULL and showing the bottom sash windows as obscure glazed and fixed) and shall not subsequently be altered in any way without the prior consent of the Local Planning Authority in an application on that behalf.

Reason: *To protect the amenities and privacy of the occupiers of the adjoining property in accordance with saved Local Plan policy H18.*

11. Provision shall be made in each block of flats for combined aerial facilities to serve all flats therein.

Reason: *In the interests of visual amenity in accordance with Core Strategy Policy 16.*

12. No dwelling shall be occupied unless and until details of the proposed foul and surface water drainage and means of disposal have been provided in accordance with the plans 200-G (CEP) deposited on 19.8.08.

Reason: *To ensure that the proposed development is satisfactorily drained in accordance with Core Strategy Policy 15.*

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13. No dwelling shall be occupied unless and until the refuse storage facilities have been provided in accordance with drawing 4387/17-A .

Reason: *To ensure adequate facilities in accordance with saved local plan policy H18.*

14. The design and siting of the bay windows and the precise design of the dormer windows on the front elevation of Block A shall be in accordance with drawings 4387/18A and 4387/12J (as approved as part of planning permission no.WB/04/01147/FULL.)

Reason: *In the interests of visual amenity in accordance with Core Strategy Policy 16.*

15. The dormer window on west elevation (2 1/2 storey element) and two storey bay feature on Block B shall be built in accordance with agreed details drawing 4387/12-J approved under WB/04/01147/FULL.

Reason: *In the interests of visual amenity in accordance with Core Strategy Policy 16.*

16. The development shall not be implemented other than in accordance with drawing No LLD/177/02 -02 deposited 16.4.08 in relation to those parts of the scheme carried forward from WB/03/00842/FULL as amended by WB/04/01147/FULL).

Reason: *In accordance with Saved Local Plan policy H18 and Core Strategy policy 16.*

Informatives / Notes to Applicant

01. The proposal is the subject of a legal agreement which varies the previous agreement attached to WB/03/00842/FULL and WB/04/01147/FULL and covenants the owner or successors in title to provide £36,034 towards upgrading recreational outdoor facilities in the Heene Ward; £22,000 towards cycle facilities; £12,000 towards bus shelters and £589 towards fire and rescue facilities, the payment for which is tied to occupation. In addition, the owner covenants to pay a contribution in relation to the provision of off site affordable housing in Heene Ward if and when the owners profit exceeds 17.5% margin, subject to an upper limit of £345,000.

02. Planning permission WB/04/01147/FULL has been separately amended as follows:

WB/04/01147/FULL/NMA1; Application for non-material amendment following grant of planning permission WB/04/01147/FULL for the demolition of existing building and erection of 14 flats with new access and associated parking. Amendments sought; to delete entrance to basement parking level and replace with ground floor pedestrian entrance door to building.

The amendments under WB/04/01147/FULL/NMA1complement the changes approved under WB/11/0107/FULL.