Worthing
BOROUGH COUNCIL

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Portland House
Richmond Road
Worthing BN11 1LF

APPLICATION NO. WB/07/1511/FULL

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

Mr Pierre Dowsett
201 High Street
Lewes
BN7 2NR

PROPOSAL: Demolition of 28 and 30 Marine Drive and redevelopment of the site with a block of 8 flats with associated landscaping and underground parking. Resubmission of WB/07/1078/FULL.

LOCATION : 28 Marine Drive Worthing

DATE REGISTERED 17th December 2007

APPLICANT :

WORTHING BOROUGH COUNCIL, under the above Act and Order, gives you notice that its decision upon your application described above and in plans which accompanied the application MD 008.01A; MD 008.04C; MD 008.05A; MD 008.06A; MD 008.07A; MD 008.08A; MD 008.09A; MD 008.10A; MD 008.11A; MD 008.12A; MD 008.13A; MD 008.14A; MD 008.15A; MD 008.16A; MD 008.17A; MD 008.18A; MD 008.19A; MD 008.20 and illustrative perspectives and bird eye drawings and supporting documentation, 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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Dated : 14th May 2008

Assistant Director (Planning Services)

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

2. The first and second floor windows and glazed elements of doors shall be obscure glazed and non-opening, or, high level such that the cill is no less than 1.8 metres above finished floor height, in respect of the north and east elevations of the corner block and west, north and east elevations of the east block. They 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 properties in accordance with Saved Worthing Local Plan policies H18 and Saved West Sussex Structure Plan policy DEV1.

3. Notwithstanding the General Permitted Development Order or any subsequent amendments, no external aerial/satellite dish facilities shall be installed other than a single communal facility to serve all flats within the development hereby permitted, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority.

   Reason: In the interests of visual amenity in accordance with Saved Wortning Local Plan policy BE1 and CT3 and Saved West Sussex Structure Plan policy DEV1 and CH1.

4. The development hereby permitted shall not be built other than in accordance with;

   a) Level 3 or higher of The Government's Sustainable Homes Code and no dwelling shall be occupied unless and until a certificate from a suitably accredited assessor confirming compliance has been supplied to and approved by the Local Planning Authority; and
   b) A scheme for solar voltaic panels and geo thermal heat pumps to be submitted to and approved by the Local Planning Authority, prior to commencement of works. Such approved facilities shall be retained thereafter and maintained in accordance with the manufacturers' instructions.
   c) The submitted Waste Minimisation Strategy.

   Reason: To ensure a high level of sustainability, in particular to improve the energy efficiency of the building and minimise greenhouse gas emissions reduce demands on natural resources and waste generation and enhance wildlife habitats in accordance with Saved West Sussex Structure Plan policies DEV1 and ERA2 and Government Policy in PPS9: Bio- Diversity and Geological conservation; PPG22: Renewable Energy; PPS1: Delivering Sustainable Development - Climate Change Supplement and PPS10 Planning for Sustainable Waste Management.

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5. No dwelling shall be occupied until the basement car and cycle parking spaces shown on the approved plans have been provided and constructed. The parking facilities so provided shall not thereafter be used for any purpose other than the parking of vehicles/cycles.

   Reason: To ensure that visually acceptable and sufficient and workable parking capacity is provided in accordance with Saved Worthing Local Plan policies BE1, H18, TR9 and CT3 and Saved West Sussex Structure Plan policies DEV1, DEV4, DEV5 and CH1.

6. 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. This shall include a scheme of sustainable urban drainage. 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.

   Reason: To ensure that the proposed development is sustainably and satisfactorily drained in accordance with Saved Worthing Local Plan policy H18 and Saved West Sussex Structure Plan policies DEV1 and ERA4 and Government Policy in PPS25: Development and Flood Risk. .

7. No part of the roof of the buildings hereby approved shall be used as a balcony or terrace other than those parts so marked on the approved drawings, nor shall any access be formed to those designated parts unless it has been approved by the Local Planning Authority in an application on that behalf.

   Reason: To safeguard the privacy of the occupiers of adjoining properties in accordance with Saved Worthing Local Plan policy H18 and Saved West Sussex Structure Plan policy DEV1.

8. 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 in accordance with Saved Worthing Local Plan policy H18 and Saved West Sussex Structure Plan policy DEV1.

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9. 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 in accordance with Saved Worthing Local Plan policy H18 and Saved West Sussex Structure Plan policy DEV1.

10. 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 in accordance with Saved Worthing Local Plan policy H18 and Saved West Sussex Structure Plan policy DEV1.

11. No development shall take place unless and until a scheme for the suppression of dust during demolition and construction and wheel washing of construction vehicles has been submitted to and agreed in writing by the Local Planning Authority, in accordance with BRE: Control of dust from construction and demolition activities: BR465, as appropriate. 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

Reason: To safeguard the amenities of the occupiers of neighbouring properties in accordance with Saved Worthing Local Plan policy H18 and Saved West Sussex Structure Plan policy DEV1..

12. Notwithstanding the submitted drawings, 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 roof of the proposed buildings 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.

Reason: In the interests of visual amenity in accordance with Saved Worthing Local Plan policies CT3 and BE1 and Saved West Sussex Structure Plan policies DEV1 and CH1.

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13. 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. This shall include details of all external and internal boundary treatments and gates; solar voltaic panel housing; 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 including boundary treatments shall be provided prior to the occupation of the development hereby permitted.

Reason: In the interests of visual amenity, ecology and the environment of the development in accordance with Saved Worthing Local Plan policies CT3 and BE1 and Saved West Sussex Structure Plan policies DEV1 and CH1.

14. Notwithstanding the submitted drawings, no development shall commence unless and until details of the architectural features of the proposed development have been have been submitted to and approved in writing by the Local Planning Authority. These shall include but are not limited to; roofs; eaves details, doors, windows, balconies and roof terraces and canopies. Thereafter, the development shall be completed fully in accordance with the agreed materials.

Reason: In the interests of visual amenity in accordance with Saved Worthing Local Plan policies CT3 and BE1 and Saved West Sussex Structure Plan policies DEV1 and CH1.

15. No development shall commence unless and until a scheme for flood proofing and mitigation has been submitted to and approved by the Local Planning Authority. This shall include but is not limited to; flood barriers to gates and access; flood resistant construction up to 5.8 AOD for the boundary walls; pumps and anti-flood valves for areas below 5.8 AOD; water butts for rainwater harvesting; rainwater attenuation for the roofs; flood contingency plans displayed in communal entrance areas and sustainable urban drainage systems. For avoidance of doubt, no part of the basement shall be used for living accommodation. Thereafter, the development shall be completed fully in accordance with any such approval and the agreed measures retained thereafter in accordance with the manufacturers' instructions.

Reason: To minimise the risk of and harm from flooding to the development and adjacent properties in accordance with Saved Worthing Local Plan policy H18 and Saved West Sussex Structure Plan policies DEV1 and ERA4 and Government policy in PPS25: Development and Flood Risk.

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16. No development shall commence unless and until details of the ventilation system for the basement has been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied unless and until the development has been completed fully in accordance with any such approval and the agreed measures shall be retained thereafter in accordance with the manufacturers' instructions.

Reason: To safeguard the amenities of the occupiers of adjoining properties in accordance with Saved Worthing Local Plan policy H18 and Saved West Sussex Structure Plan policy DEV1.

17. Notwithstanding the submitted drawings, the development hereby permitted shall not be built other than in accordance with the measures set out in the submitted Stage 1 Road Safety Audit and Designer's Response/Review Recommendations (and to include measures set out the Supplementary Stage 1 Road Safety Audit, Designers Response and Review Recommendations), subject to the submission of appropriate details and the written agreement of the Local Planning Authority.. In particular, no development shall commence unless and until details have been submitted to and approved by the Local Planning Authority for;

a) The improvement of pedestrian access to and from the site across Arlington Avenue and/or provision of pedestrian facilities across Marine Drive.
b) The design and siting of all gates from the highway to the site (the design and siting of gates in relation to the highway shall be in accordance with advice set out in Road Safety Audits and highway advice given in recommendations dated March 4th 2008).
c) Pedestrian and vehicular sightlines from all accesses to the site from the highway.

No dwelling shall be occupied unless and until the development has been completed fully in accordance with any such approval for the above.

Reason: To ensure safe and convenient access to and from the site and safeguard the adjacent highway from the impact of construction works in accordance with Saved West Sussex Structure Plan policies DEV1, DEV4 and DEV5.

18. No development shall commence unless and until details have been submitted to and approved by the Local Planning Authority in respect of the impact of the development on the structural stability, integrity and safety of the adjacent highway and residential properties and a programme of any necessary mitigation measures. The development shall not be carried out other than in full accordance with any such approval.

Reason: To safeguard the adjacent highway and residential properties from the impact of construction works, in particular the basement excavations, in accordance with Saved Worthing Local Plan Policy H18 and Saved West Sussex Structure Plan policy DEV1.

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WB/07/1511/FULL

INFORMATIVES

1. Reasons for approval

Officers had supported the principle of a residential redevelopment of the site in the previous scheme (WB/07/1078/FULL refers) but considered that the quality of the design fell short of the high standard required and the arrangement of the massing was problematic. Additional technical concerns were also raised over flooding, and highway access and the absence of a development contribution undertaking. The scheme was duly recommended for refusal. However, officers did note that the scheme contained many commendable features and that there may be scope to address the identified shortcomings through comparatively modest modification. Indeed, the troublesome features and potential remedies were identified the in the report. The scheme was refused by the Committee at its meeting on 13th November 2007.

The revised scheme (WB/07/1511/FULL refers) has responded to this challenge. The best features have been retained and the massing judiciously reduced and remodelled and the architectural treatment sensitively adjusted. The Committee were mindful of local objections to the scheme, particularly the visual impact of the architectural style, but it was considered the revised scheme achieves a high standard of design, which although departing from the prevailing local architectural style, harmonises well in terms of height, massing, scale and urban grain. Acceptable relationships with neighbouring properties would be achieved and it would complement and enhance the seafront and locality. Residual technical deficiencies over flood risk and access issues were also addressed and a unilateral undertaking and appropriate cheque for required development contribution received.

As such, the revised scheme fully addressed the previous grounds for refusal and residual details have been addressed by suitable conditions attached to the permission.

The scheme was considered at the Development Control Committee meeting on 4th March 2008 and the successive meeting on 1st April 2008 to respond to requests from certain interested parties to address the Committee.

2. The decision to grant planning permission was 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 Supplementary Planning Guidance:

Saved Worthing Local Plan Policies 2003

BE1 - Design Quality
CT3 - Protection and Enhancement of Seafront Area
H10 - Loss of Existing Dwellings
H18 - Amenity of Residents

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RES7 - Control of Polluting Development
RES12 - Provision of Infrastructure
TR9 - Parking Requirements for Development

Saved West Sussex Structure Plan Policies 2001 – 2016

LOC1, ERA1, ERA4, NE1, CH1, CH5, DEV1, DEV3, DEV4 and DEV5.

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.

3. Development contributions

This planning permission is the subject of a unilateral undertaking which covenants the developer to pay within 7 days of commencement of development a sum of £11,310 towards the upgrading of local transport facilities to accommodate the development.