Worthing
BOROUGH COUNCIL

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Portland House
Richmond Road
Worthing BN11 1LF

APPLICATION NO. WB/08/1014/FULL

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

James Breckell Architects
Unit 53
Tower Point 44
North Road
Brighton
East Sussex BN1 1YR

PROPOSAL: Demolition of existing non Listed Buildings on the site and erection of mixed use development comprising at ground floor 288m2 of (class B1) office floor space, refuse and recycling point, bicycle storage, 9 car parking spaces, new pedestrian twitten and a lift and stair lobby to first floor level with provision of 8 Duplex residential apartments on first and second floors.

LOCATION : Spells Buildings Grafton Place Worthing

DATE REGISTERED: 20th October 2008

APPLICANT : Warwick Lane Developments

WORTHING BOROUGH COUNCIL, under the above Act and Order, gives you notice that its decision upon your application described above and in Drawing Nos. 222-07, 08, 09, 10, 11, 12 and 13 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 three years from the date of this permission.

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

[redacted]

Dated : 15th December 2008

Executive Head of Planning,
Regeneration and Wellbeing

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

2. The development hereby permitted shall not be occupied until the parking provision shown on the approved plans has been provided and constructed. The parking and manoeuvring areas so provided shall thereafter be retained and only used for these purposes unless otherwise agreed by the Local Planning Authority in an application on that behalf.

   Reason: To ensure that adequate parking and manoeuvring facilities are provided and retained to serve the development hereby permitted.

3. The development hereby permitted shall not commence until details of the materials to be used for surfacing the car parking and manoeuvring areas and the twitten on the west side have been submitted to and agreed in writing by the Local Planning Authority. The car parking, twitten and associated areas shall then be surfaced only in accordance with such details as may be agreed.

   Reason: In the interests of visual amenity.

4. No building shall be occupied until provision has been made within the site, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, to prevent surface water discharging onto the public highway.

   Reason: In the interests of highway safety.

5. 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.

6. 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.

7. No development shall take place unless and until a scheme for the suppression of dust during demolition and construction has been submitted to and agreed in writing by the Local Planning Authority. 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.

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Reason: To safeguard the amenities of the occupiers of neighbouring properties.

8. 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 residential amenities of the occupiers of neighbouring properties.

9. No external lighting or floodlighting shall be installed for the development without the prior approval of the Local Planning Authority in an application on that behalf.

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties.

10. The offices hereby approved shall not be open for trade or business except between 0800 hours and 2000 hours Mondays to Saturdays and shall not be open on Sundays or on Bank or Public Holidays.

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties.

11. The development hereby permitted shall not commence unless and until a schedule of materials and finishes to be used for the external walls (including sample flint panels) and roofs of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. These will include the reuse of second hand recycled materials. Thereafter, the development shall be completed fully in accordance with the agreed materials.

Reason: In recognition of the site's history and to preserve or enhance the Conservation Area.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or as subsequently amended), the elevations of the building hereby permitted shall not be painted other than in a colour as may be submitted to and agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the Conservation Area.

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13. Provision shall be made for combined aerial facilities to serve all flats within the development hereby permitted in a manner and in a position to be agreed in writing by the Local Planning Authority. At no time shall external individual aerials be installed on the building without the approval of the Local Planning Authority in an application on that behalf.

Reason: To protect the character and appearance of the development and the Conservation Area.

14. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is of archaeological significance and it should be recorded by excavation before it is destroyed by development.

15. No building shall be occupied unless or until cycle storage has been provided within the development in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason: To encourage and provide for a non car mode of transport to and from the site.

16. No building shall be occupied unless or until refuse storage has been provided within the development in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory facilities for the storage and disposal of refuse in the interests of hygiene and visual amenity.

17. The development hereby permitted shall not be commenced until the following measures have been undertaken:-
    (i) the submission of a scheme for the investigation of potential ground contamination;
    (ii) the approval of the scheme referred to in (i) above by the Local Planning Authority;
    (iii) the completion of a site investigation in accordance with any scheme as may be agreed;
    (iv) the submission to and written approval by the Local Planning Authority of the results of any such investigation;
    (v) the submission to and written approval by the Local Planning Authority of a detailed action plan for remediation of the site;
    (vi) the full implementation of the agreed action plan on the site to the satisfaction of the Local Planning Authority.

Reason: To ensure that any ground contamination is properly remediated in the interests of amenity and the environment.

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18. 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: To ensure that any ground contamination is properly remediated in the interests of amenity and the environment.

19. The development hereby permitted shall not be commenced unless and until details of the sustainable design features of the development and its construction have been submitted to and approved by the Local Planning Authority.

    Such measures shall include energy efficiency in construction and use of building materials; the use of sunlight, daylight and natural air flows to provide heating and ventilation for the building; re-use and re-cycling of water and rainwater; composting of domestic food and garden waste and incorporation or utilisation of re-cycled building materials and excavated material and enhancement of the site, as appropriate.

    These measure shall also include 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 approved measures and such approved measures shall be retained thereafter and maintained in accordance with the manufacturers instructions.

    Reason: To maximise the opportunities for sustainable design in accordance with West Sussex Structure Plan policies DEV1 and ERA2 by improving the energy efficiency of the building and reducing demands on natural resources and waste generation in accordance with West Sussex Structure Plan policy ERA2 and Government guidance in PPS9: Bio- Diversity and Geological conservation; PPG22 Renewable Energy; and PPS10 Planning for Sustainable Waste Management.

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20. Notwithstanding the submitted drawings the exposed south elevation of the flint building in the north east corner of the site shall also be in flint and not brick.

Reason: The proposed brick elevation would not be in sympathy with the flint building.

21. Notwithstanding the submitted design, the proposed chimneys are not hereby approved. Before development commences the individual design of each chimney shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: Each building should incorporate an individual design of chimney to suit the architectural form and materials of the parent building.

22. Before development commences, details of doors, windows, balconies, canopies, quoins, and internal landings shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is of a quality that will preserve or enhance the Conservation Area.

23. The development shall incorporate existing signage from the current buildings on the site in a manner to be agreed in writing with the Local Planning Authority.

Reason: To retain historic references to the previous buildings and their uses within the new scheme in the interests of retaining the historic interest of the site in the future.

24. Details of the entrance archway, including the internal finishes and enclosures shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: The submitted drawings do not indicate how the cycle and refuse areas would be enclosed or how the underside of the archway would be finished.

INFORMATIVES

1. Reasons for approval

During the Committee representations regarding the historic importance of the site were considered which included a presentation by a local historian who felt that the buildings were worthy of retention and restoration. However, Members were unanimous in their view that the proposal would be a high quality development if the level of design and architectural detail could be achieved as suggested.

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In recognition of the history of the site Members requested that the Spells signage be incorporated within the development as an historic reference. They also wished that the ground floor flint work of the north elevation closely reflect the finish of the historic boundary wall of the site.

2. Development contributions

This planning permission will be subject to a Unilateral Undertaking and condition which covenants the developer to pay, prior to first occupation, a sum of £4,560 towards the upgrading of local transport facilities to accommodate the development.

West Sussex County Council is the Local Transport Authority responsible for the Local Transport Plan which sets out the transport strategy for the county including Worthing and related implementation programmes. This includes provision to accommodate the cumulative harmful effects of new development on the transport network and transport conditions. In part, the programme relies on and anticipates external funding and developers undertaking appropriate works in kind to secure this. In accordance with adopted Worthing Borough Council Supplementary Planning Guidance Parking Standards & Transport Contributions and West Sussex County Council Supplementary Planning Guidance Revised County Parking Standards and Transport Contribution Methodology a financial sum of £4,560 would represent a suitable and proportionate contribution from this proposal to the development and implementation of such a programme for the local area in view of the development's harmful impacts on the local transport network and local transport conditions.

This financial contribution should be secured by a planning obligation in the form of a unilateral undertaking. Alternatively, at the discretion of the Local Planning Authority, any necessary works as may be agreed with the Local Planning Authority and Local Transport Authority may be undertaken in kind by the developer under appropriate license and authorization. All communication in respect of the above with a view to discharge of condition 24 shall be through the Local Planning Authority.

3. The decision to grant planning permission has been 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
H18 - Amenity of Residents
RES7 - Control of Polluting Development
RES9 - Contaminated Land
RES12 - Provision of Infrastructure
TR9 - Parking Requirements for Development

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Saved West Sussex Structure Plan Policies 2001 – 2016

CH1 - Character
CH4 - Conservation areas and historic towns and villages
CH5 - Buildings of architectural or historical importance
CH7 - Archaeology
DEV1 - High Quality Development
DEV2 - Mixed-uses
DEV3 - Infrastructure requirements
DEV4 - Travel needs and choices
DEV5 - Parking Provision
ERA1 - Making the best use of land

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.