Worthing
BOROUGH COUNCIL

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Portland House
Richmond Road
Worthing BN11 1LF

APPLICATION NO. WB/09/0756/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: Construction of 9 No. 2 and 3 bedroom houses together with associated car barns, car parking and landscaping. (Resubmission of planning application WB/09/0386/FULL Woodlands and Whitsend)

LOCATION : Woodlands Durrington Hill Worthing

DATE REGISTERED 17th August 2009

APPLICANT : J W Stratton Ltd

WORTHING BOROUGH COUNCIL, under the above Act and Order, gives you notice that its decision upon your application described above and in Drawing Nos. 5113/01-E, 02-E, 03-E, 04-E, 05-E, 06-F, 07-E, 08-E, 09, 10, 5113/LOC, 19306-TOPO, Design and Access Statement, Road Safety Audit Stage 1 (and Designer Response) and Arboriculturist Report 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.

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Dated : 12th October 2009

Executive Head of Planning,
Regeneration and Wellbeing

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

2. The windows listed below shall be as follows:-

   i) Rooflights in west elevation of coach house : the cills shall be no lower than 1.6 metres above finished floor levels;

   ii) Upper floor windows south elevation of southern block : these shall be obscured glazed with opening restricted to 45 degrees.

   iii) Rooflights in south elevation of southern block : the cills shall be no lower than 1.6 metres above finished floor levels.

   Reason: To safeguard the privacy of future and adjacent occupiers.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or as subsequently amended), no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the southern elevation of any upper floor of Plot 1, the upper floor of the west or east elevation of the coach house without the prior permission of the Local Planning Authority in an application on that behalf.

   Reason: To protect the amenities and privacy of the occupiers of adjoining properties.

4. Notwithstanding the General Permitted Development Order (or subsequent amendments), no TV aerial or satellite dish or other antennae shall be installed on the outside of any building other than a communal facility as agreed in advance by the Local Planning Authority and this shall not be altered subsequently without prior approval from the Local Planning Authority.

   Reason: In the interests of visual amenity.

5. 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;

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(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.

6. 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 Governments Sustainable Homes Code or the equivalent of any successor.

Reason: To ensure the development optimises the potential for sustainable design.

7. No dwelling shall be occupied unless and until the parking spaces and car barns and vehicle access arrangements including visibility sightlines shown on the approved plans have been provided and constructed. The sightlines shall be maintained thereafter and no vegetation or structure shall be placed on this, the said sightlines, which are more than 0.6 metres tall. The parking facilities and garages so provided shall not thereafter be used for any purpose other than the parking and garaging of vehicles.

Reason: To ensure that adequate provision is made for parking vehicles clear of the highway and to ensure safe and convenient vehicular and pedestrian access.

8. The development shall not commence unless and until details of the surface water drainage for the development have been submitted to and approved by the Local Planning Authority and the development shall not be built other than in full accordance with any such approval. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The use of soakaways are acceptable as part of an integrated drainage scheme which is able to attenuate any contaminated surface water flows prior to discharge. There should be adequate protective measures for groundwater and arrangements for effective management and maintenance of the system. the inclusion of permeable paving within the scheme is acceptable.

Reason: In accordance with the principles of Planning Policy Statement 23 - "Planning and Pollution Control" (PPS23) and Policy NRM2 - "Water Quality" of the South East Plan. To ensure that the underlying major aquifer and source protection zone is protected from pollution relating to surface water discharges and to minimize flood risk.

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9. The building shall not be occupied until the crossing between the boundary of the site and the adjoining carriageway has been laid out and constructed to a specification to be agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety.

10. The development shall not be occupied unless and until the existing access to the site (other than the access hereby approved) has been stopped up permanently and obliterated.

Reason: In the interests of highway safety and good planning.

11. 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.

12. 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.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or as subsequently amended), the buildings shall not be extended or altered in any way nor outbuildings erected unless permission is granted by the Local Planning Authority in an application on that behalf.

Reason: In the interests of visual and neighbour amenity.

14. 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.

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15. 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: BRE465, 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 Policies H18 and RES7.

16. 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 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. Such protection shall include a fence around the retained trees/hedges/bushes and including all trees covered by an extant Tree Preservation Order. The fence as agreed shall be erected around each tree (or group of vegetation) at a radius from the bole or boles of 5 metres (or such distance as may be agreed in writing by the Local Planning Authority). Within the areas so fenced off, the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored within such areas. If any trenches for services are required in the fenced off areas, they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25 millimetres or more shall be left unsevered.

Construction within the root protection area of trees covered by Tree Preservation Order must be based on no dig principles, details of which must be submitted in writing to the Local Planning Authority prior to any development on the site. Those agreed details shall be implemented at all times during construction.

The landscaping plan shall also include proposals for supplementary and compensatory planting in respect of a) the southern boundary, b) the northern boundary and c) replacement planting for trees lost as a result of the development including T19 as shown in the submitted Arboriculturist report. 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 shall be provided prior to the occupation of the development hereby permitted.

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Reason: In the interests of amenity and of the environment of the development.

17. No dwelling shall be occupied unless and until the new footpath on the south side of Hammond Drive has been provided in full accordance with the approved plans and details to be submitted to and approved in advance by the Local Planning Authority.

Reason: To provide safe and convenient pedestrian access to the site and neighbouring dwellings.

18. 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.

19. The development shall not commence unless and until architectural details have been submitted to and approved by the Local Planning Authority. These shall include details of:-

a) Porches
b) external windows and doors
c) dormer and rooflights
d) eaves
e) roof hips and ridges (the hips on all the new houses and car barns as shown on the approved plans shall use bonnet tiles)
f) chimneys
g) finials, bargeboards and purlins
h) window arches
i) car barns
j) rainwater goods, external metre boxes, flues and cables associated with utilities.

The development shall not be built other than in full accordance with any such approval.

Reason: In the interest of visual amenity.

20. The development shall not commence unless and until details of the front gate (and automatic opening/closing mechanism) and allied wall and boundary treatment generally have been submitted to and approved by the Local Planning Authority and the development shall not be built other than in accordance with any such approval.

Reason: In the interests of visual amenity and safe and efficient operation of the access.

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21. The development shall not commence unless and until details of the external lighting have been submitted to and approved by the Local Planning Authority and the development shall not be built other than in full accordance with any such approval and shall be retained thereafter.

Reason: In the interests of neighbour and visual amenity and to prevent light pollution.

22. Occupation of dwellings will not occur until details have been submitted and the Local Planning Authority is satisfied that the necessary water infrastructure capacity is available to adequately service the development, including means of foul sewerage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

Reason: In the interest of local water resources and to ensure the proposed development is satisfactorily drained.

INFORMATIVES

1. The Committee were mindful of local concerns but considered that the principle of more intensive residential development has been established by recent planning permissions on this sustainably located brownfield site. The new scheme is similar in character and scale to that approved and better meets the needs of current housing demands in the town than the approved scheme, whilst still making efficient use of the site. The design shortcomings of a more recently refused scheme have been satisfactorily addressed by judicious remodelling, down scaling and design refinements and the scheme now achieves the requisite quality and would harmonise well with its setting. It is sensitive to the amenity of neighbouring development and safeguards important trees, as well as providing a good quality of environment for future occupiers. Access and parking arrangements are satisfactory and similar to the approved scheme. Subject to appropriate conditions and the unilateral undertaking to secure the required development contributions to upgrade local infrastructure, the proposal is acceptable.

2. 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 South East Plan 2009 set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

Saved Worthing Local Plan Policies 2003

BE1 - Design Quality
BE25 - Environmental Areas of Special Character
H10 - Loss of Existing Dwellings
H18 - Amenity of Residents
RES12 - Provision of Infrastructure
TR9 - Parking Requirements for Development

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South East Plan 2009

BE1 - Management for an Urban Renaissance
BE6 - Management of the Historic Environment
CC1 - Sustainable Development
CC2 - Climate Change
CC4 - Sustainable Design and Construction
CC6 - Sustainable Communities and Character of the Environment
CC7 - Infrastructure and Implementation
CC8 - Green Infrastructure
H1 - Regional Housing Provision 2006-2026
H2 - Managing The Delivery of the Regional Housing Provision
H4 - Type and Size of New Housing
H5 - Housing Design and Density
NRM2 - Water Quality
NRM5 - Conservation and Improvement of Biodiversity
NRM7 - Woodlands
SCT1 - Core Strategy
SP3 - Urban Focus and Urban Renaissance
T2 - Mobility Management
T4 - Parking
W2 - Sustainable Design, Construction and Demolition

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. The permission is the subject of a unilateral undertaking which covenants the developers/owners to pay a sum of £14,080 towards upgrading local transport facilities to accommodate the additional pressure generated by the development.

4. The Environment Agency offer advice as follows:-

Flood Risk
This proposal lies in Flood Zone 1 and falls within the scope of our Flood Risk Standing Advice. Please refer to our Standing Advice which can be found at http://www/environment-agency.gov.uk/research/planning/33098.aspx for the relevant comment relating to this proposal. Follow the link to the proposed development category (e.g. "All applications with a site area less than 1ha within flood Zone 2") for guidance on surface water drainage information.

Demolition/Sustainability
Due consideration should be given to the possibility of reusing and/or recycling materials produced as a consequence of demolition. All waste must be disposed of by an appropriately licensed carrier and taken to an appropriately licensed disposal site under the relevant Duty of Care Waste Regulations. Further information can be obtained from www.environment-agency.gov.uk

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Pollution Prevention

During development, drainage from areas identified as high risk, e.g. loading bays and waste storage areas, should not be discharged to any watercourse, surface water sewer or soakaway. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters during and after construction. The applicant should consider the risks to Controlled Waters and incorporate appropriate pollution prevention measures at the design stage.

All areas where waste is stored, handled or transferred should be underlain by impervious hardstanding with dedicated drainage to foul sewer or sealed tank. All fuels, lubrication oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) to prevent accidental/unauthorised discharge to surface waters.

All surface water from roofs shall be piped direct to an approved surface water system using sealed down pipes. Open gullies should not be used.

5. Southern Water advises that:-

Initial investigations show that there is currently inadequate capacity in the local network to provide surface water disposal to service the proposed development. The proposed development would increase flows to the public sewerage system and any existing properties and land may be subject to a greater risk of flooding as a result. We advise that the applicant investigates alternative means of surface water disposal, considering the following options:-

i) Discharge to an available watercourse.
ii) Discharge to soakaways.

Alternatively, if the existing development discharges surface water to the existing surface water system then a discharge from the site may be permitted. If the applicant wishes to investigate this option the applicant will be required to provide a topographical site survey and/or CCTV survey showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed flows will be no greater than the existing flows received by the sewer. Any excess surface water should be attenuated and stored on site. Where flow attenuation is proposed and the sewerage in question is to be offered for adoption, the sewerage undertaker should be involved in discussions with all relevant parties to agree the ownership/responsibility for the facility. Southern Water requires a formal application for a connection to the public sewer.