WORTHING BOROUGH COUNCIL

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PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (AMENDMENT) (ENGLAND) ORDER 2015

APPLICATION NUMBER: AWDM/0863/25

Details of Development
APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) FOR USE OF GARAGE/STORAGE TO A STUDY, LOBBY OFF KITCHEN DINER AND BIKE SHED IN REAR GARDEN: CONDITION 9 (WINDOWS) FROSTED WINDOW IN SOUTH ELEVATION, OF APPROVED AWDM/0282/25.
ORIGINAL DESCRIPTION: PROPOSED NEW BUILD SINGLE-STOREY DWELLING WITH ACCESS OFF COMPTON AVENUE

Location of Development
26 ILEX WAY WORTHING WEST SUSSEX BN12 4UY

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 2nd July 2025.

This is for reasons stated on the schedule overleaf and subject to compliance with the conditions specified thereon.

G Peck

Gary Peck
Head of Planning & Development
01/09/2025

SCHEDULE

Conditions

01. The development hereby permitted shall be carried out in accordance with the following approved plans unless specified otherwise in a subsequent condition imposed on this decision notice.

Reference/Drawing Number	Version	Date Rec
BLOCK PLAN, LOCATION PLAN & EXISTING ELEVATIONS	100 Rev 01	02.07.2025
PROPOSED BLOCK PLAN, FLOOR PLANS & ELAVATIONS	101 Rev 03	02.07.2025
In addition, the following plans and Documents approved under AWDM/0282/25:-		
LOCATION PLAN	1:1250	04.03.2025
Sustainable Construction & Energy Efficiency Statement		15.04.2025
Pre-Development - Baseline Map		15.04.2025
BNG Statement of Intent		15.04.2025
Draft Biodiversity Gain Plan		30.04.2025
Excell Metric	v5	30.04.2025

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

02. No works to implement the development hereby permitted shall take place unless and until a Biodiversity Gain Plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: *In accordance with the provisions set out under Schedule 7A of the Town and Country Planning Act 1990 (as amended).*

03. The development hereby permitted shall be begun before the expiration of 3 years from 01.05.2025.

Reason: *To comply with Section 91 of the Town and Country Planning Act 1990.*

04. No development shall be carried out unless and until a schedule and samples of materials and finishes to be used for the external walls (including windows and doors) and roof of the proposed dwelling have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved schedule and samples.

Reason: *In the interests of visual amenity and to comply with policy DM5 of the Worthing Local Plan.*

05. Prior to the commencement of the development hereby permitted drawings and sections detailing the design and construction of the proposed chimney, jettied front gable/porch and bow window; and drawings and sections or a brochure extract/web page showing the detailed design and profiles of the proposed windows shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall only be carried out in accordance with the agreed architectural details.

Reason: *To safeguard the character of the area having regard to policy DM5 of the Worthing Local Plan.*

06. 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 soft and hard landscaping, which shall include the planting of not less than five new trees on the site. 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. The approved details of hard landscaping shall be completed prior to occupation of the building(s).

Reason: *In the interests of visual amenity and the environment and to comply with policies DM5 and DM19 of the Worthing Local Plan.*

07. No development shall take place until details of all boundary walls and/or fences have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the provision of 2 metre high close-boarded fencing on the northern site boundary with 3 Compton Avenue and the provision of fencing on top of the existing wall on the western site boundary with No.28 Ilex Way to achieve an overall height not less than 2 metres. The dwelling shall not be occupied until the agreed walls and/or fences have been erected and they shall thereafter be retained.

Reason: *In the interests of amenity and to comply with policy DM5 of the Worthing Local Plan.*

08. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), the proposed dwelling shall not be extended or enlarged or any incidental building over 5 cubic metres in volume erected within its curtilage.

Reason: *In the interests of amenity and the environment having regard to the size of the site and policy DM5 of the Worthing Local Plan.*

09. The window in the south side elevation of the dwelling shall be fitted and thereafter retained in obscure glass (not less than obscurity Level 3). Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any Order revoking and re-enacting that Order with or without modification), no windows or other openings (other than as hereby approved) shall be formed in the north and south side elevations or any roof slope of the dwelling.

Reason: *To prevent overlooking and to comply with policy DM5 of the Worthing Local Plan.*

10. Details of secure, covered cycle storage to serve the development shall be submitted to and approved in writing by the Local Planning Authority. Such provision as has been agreed shall be provided prior to first occupation of the dwelling and shall thereafter be retained for such purposes.

Reason: *To encourage and provide for a sustainable non-car mode of transport in compliance with policy DM15 of the Worthing Local Plan.*

11. Construction of the development shall not commence until details of the proposed means of foul/surface water drainage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

Reason: *To ensure adequate drainage and to comply with policy DM20 of the Worthing Local Plan.*

12. Construction shall not begin until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must prioritise the use of source control Sustainable Drainage Systems (SuDS) in consideration of the Non-Statutory Technical Standards for SuDS and demonstrate no increase in flood risk as a result of the Proposed Development with sufficient supporting evidence provided to support its viability including supporting calculations for the 100% AEP (1 in 1 year), 3.33% AEP (1 in 30 year), 3.33% AEP (1 in 30 year) plus climate change, the 1% AEP (1 in 100 year) and the 1% AEP (1 in 100) plus climate change critical storms. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring and winter infiltration testing to BRE DG365, or similar approved, will

be required to support the design of any infiltration drainage. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: *To ensure the development adequately and sustainably drained in accordance with the NPPF and policies SP2 and DM20 of the Worthing Local Plan.*

13. The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

I. a timetable for its implementation.
II. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.
III. a management and maintenance plan for the lifetime of the development which shall include details of design life and the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: *To ensure the development adequately and sustainably drained in accordance with the NPPF and policies SP2 and DM20 of the Worthing Local Plan.*

14. Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:-

Monday - Friday 08:00 - 18:00 Hours
Saturday 09:00 - 13:00 Hours
Sundays, Public and Bank Holidays no work permitted

Any temporary exception to these working hours shall be agreed in writing by the Local Planning Authority at least five days in advance of works commencing. The contractor shall notify the local residents in writing at least three days before any such works.

Reason: *To safeguard the amenities of the occupiers of neighbouring properties having regard to policy DM22 of the Worthing Local Plan.*

15. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate, but not necessarily be restricted to the following matters:-

    (i) the anticipated number, frequency and types of vehicles used during construction;
    (ii) the method of access and routing of vehicles during construction;
    (iii) HGV construction traffic routings shall be designed to minimise journey distance through the Council's Air Quality Management Area (AQMA);
    (iv) the parking of vehicles by site operatives and visitors;
    (v) the loading and unloading of plant, materials and waste;
    (vi) the storage of plant and materials used in construction of the development;
    (vii) the erection and maintenance of security hoarding;
    (viii) a commitment to no burning on site;
    (ix) the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
    (x) methods to control dust from the site;
    (xi) a commitment to following BS5228: Code of Practice for noise and vibration control on construction and open sites;
    (xii) details of public and neighbour engagement both prior to and during construction works.

    Reason: *In the interests of highway safety and having regard to the amenities of nearby residential occupiers.*

16. The development shall be carried out in accordance with the submitted Sustainable Construction and Energy Efficient Statement. In particular, prior to first occupation of the dwelling:-

    i) a build stage SAP calculation report shall be submitted to the Local Planning Authority demonstrating that the thermal performance levels of the proposed dwelling shall meet or exceed the requirements under Part L of the Building Regulations (2021) together with evidence that the dwelling has achieved a minimum B rating Energy Performance Certificate (EPC);
    ii) an ASHP shall be installed (in accordance with the requirements of Condition 17 of this permission) to provide the dwelling with heating and hot water;
    iii) all fittings (shower, taps, WCs) shall be low-flow and shall adhere to the optional requirement set out in the Building Regulations limiting estimated water usage to no more than 110 litres of water per person per day;
    iv) an 'active' EV charging point shall be provided onsite to serve the dwelling.

    Reason: *In the interests of sustainable development and to comply with policies DM16, DM17 and DM20 of the Worthing Local Plan.*

17. Prior to development commencing, details of the proposed Air Source Heat Pump shall be submitted to the Local Planning Authority for approval. This shall show that the installation of the heat pump complies with the Chartered Institute of Environmental Health and Institute of Acoustic's guidance: 'Heat Pumps, Professional Advice note.' The report shall outline that the rating level from the ASHP shall not exceed 35dBLAeq15min at any noise sensitive façade of a neighbouring residential premises. If it is not practical to achieve this value and the local context supports a relaxation, then a report providing a full justification as to why such a relaxation in rating level is required, shall be submitted in writing to the Local Authority for approval. Only where such justification has been agreed in writing by the local planning authority shall the rating level from the ASHP exceed 35dBLAeq15min at any noise sensitive facade of a neighbouring residential property.

Reason: *To safeguard residential amenity in accordance with policy DM5 of the Worthing Local Plan.*

Informatives / Notes to Applicant

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

02. All Planning Applications for both domestic and non-domestic premises that have been granted approval for new development or conversions will require a new, or amended property address for the proposed development. Developers will be required to submit a Street Naming and Numbering Application to the Street Naming and Numbering Department upon commencement of works to enable the new development to be officially addressed in compliance with the British Standard of Addressing; known as BS7666. Developers are invited to complete their Street Naming and Numbering Application via the following link to the councils' website: www.adur-worthing.gov.uk/naming-and-numbering Information and guidance regarding the Fees for the service provided are also available at this location. Alternatively, please do not hesitate to contact the Street Naming and Numbering Department via the following methods should you have any queries; Street Naming and Numbering, Adur & Worthing Councils, Portland House, 44 Richmond Road, Worthing BN11 1HS. Telephone Number: 01903 221479. Email: llpg@adur-worthing.gov.uk

03. The Applicant is reminded that the development the subject of this decision notice is liable for Community Infrastructure Levy (CIL). A CIL Liability Notice will be issued to the liable person(s) and a CIL Land Charge added to the register. CIL will become liable upon commencement of the development with the liable person(s) required to submit a CIL Commencement Notice at least one day before the development commences. Further information can be found on the

Council's website via the link https://www.adur-worthing.gov.uk/planning-policy/infrastructure/

In calculating individual charges for the levy, regulation 40 (as amended by the 2014 Regulations), requires collecting authorities to apply an index of inflation to keep the levy responsive to market conditions. The index is the national All-In Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institution of Chartered Surveyors. This index presents forecast figures, which are updated and finalised periodically. To reduce the need for repeated re-calculation indexing will be applied from the previous 1st November of the date of the CIL Liability Notice to the previous 1st November of the date the payment is due using the national all in Tender Price Index.

04. The applicant is advised that in addition to obtaining planning permission they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:

https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/

Online applications can be made at the link below, alternatively please call 01243 642105.

https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/

05. BIODIVERSITY NET GAIN

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition") that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Worthing Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Ref: AWDM/0863/25

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YOUR ATTENTION IS DIRECTED TO THE FOLLOWING NOTES FROM THE ABOVE ORDER. THEY ARE FOR INFORMATION ONLY AND DO NOT PRETEND TO SET OUT THE WHOLE OF THE LAW ON THE SUBJECT. IT WOULD BE WELL FOR YOU TO CONSULT YOUR SOLICITOR IF YOU ARE IN ANY DOUBT

Appeals to the Secretary of State

1. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

2. If the decision relates to a householder application or minor commercial application, and you want to appeal, then you must do so within 12 weeks of the date of this notice. If the decision relates to express consent for the display of an advertisement, then you must do so within 8 weeks of the date of this notice. If the decision relates to a non-householder application, an appeal must be lodged within 6 months of the date of the decision notice. Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://acp.planninginspectorate.gov.uk.

3. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

4. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements to the provisions of any development order and to any directions given under a development order.

5. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

6. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Planning Act 1990.

7. Where this notice conveys approval or permission, conditional or unconditional, please note that the decision given does not purport to convey any consent or approval which may be required under the Building Act and Building Regulations, or any other legislation.

Reduced time for making a planning appeal where enforcement action is being taken

Where an enforcement notice has been served on the same, or substantially the same, development as in the householder application within 2 years of the date the application was made, the period for receiving an appeal is within 28 days of the date on the decision notice or of the date by which the LPA should have decided the application. Where an enforcement notice was served after the decision notice was issued or after the end of the period the LPA had to determine the application, the period for receiving an appeal is within 28 days of the date the enforcement notice was served (unless this extends the normal 12 weeks deadline).

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