Worthing
BOROUGH COUNCIL

Portland House
Richmond Road
Worthing BN11 1LF

APPLICATION NO. WB/09/0583/FULL

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

Mr Kean Elliott
Michael Cook Associates
Brooklyn Chambers
11 Goring Road
Worthing
West Sussex
BN12 4AP

PROPOSAL: Demolition of chalet bungalow and replacement with 8 new houses and one apartment, with associated parking, access and highway works.

LOCATION : 142 Warren Road Worthing

DATE REGISTERED 23rd July 2009

APPLICANT : Mr Ashley Batchelor

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 5105/Location-B, 5104/01-H, 5104/02-E, 5104/03-D, 5104/04-E, 5104/05-E, 5104/07-D, 5104/08-C, 5104/09-C, 5104/10-F: LLD191/01, LLD191/02, Design and Access Statement, Arboricultural Tree Survey Report, Stage 1 Safety Audit and Designers' Response, Site Waste Management Plan and Bat Survey 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 March 2010

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 commence unless and until a scheme for protecting the proposed dwellings from noise from Warren Road has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme as may be agreed shall be completed before any dwelling is occupied and shall be retained thereafter.

   Reason: To safeguard the amenities of the occupiers of the dwellings in accordance with Saved Worthing Local Plan Policies H18 and RES7.

3. 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 in accordance with Saved Worthing Local Plan Policies BE1, H18 and RES7.

4. 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 upper floor east elevation of the proposed dwelling numbered unit 9; southern or north elevation of the proposed dwelling numbered unit 4; or west elevation of the proposed dwelling numbered unit 5 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 in accordance with Saved Worthing Local Plan Policies H18 and RES7.

5. No dwelling hereby permitted shall be occupied unless and until the private, communal and incidental amenity space shown on the submitted plans has been provided.

   Reason: To ensure adequate amenity space is provided for the benefit of future occupiers and to ensure a high visual quality in accordance with Saved Worthing Local Plan Policies H18 and BE1.

6. 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.

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Reason: To ensure that any ground contamination is detected and properly remediated in the interests of amenity and the environment in accordance with Saved Worthing Local Plan Policies H18 and RES7.

7. 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 Government's Sustainable Homes Code or the equivalent of any successor.

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

8. No dwelling shall be occupied until the parking spaces and garages shown on the approved plans have been provided and constructed. 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.

9. No other part of the development hereby permitted shall be implemented unless and until;

a) The existing vehicular accesses to Nos. 142 and 134 Warren Road have been stopped up in accordance with a scheme agreed in writing in advance with the Local Planning Authority and in full conformity with the Highways Agency's Design Manual for Roads and Bridges.

b) The new access from the site to the public highway has been provided in full accordance with the design, layout and construction, visibility splays and sightlines shown in the approved plans and the submitted "Designer's Response to Stage 1 Road Safety Audit " document and allied RGP drawing 2009/102/004 dated March 2009 showing '2.4 x 90 metres visibility (The Design Manual for Roads and Bridges)' and in full conformity with the Highways Agency's Design Manual for Roads and Bridges; and in full conformity with the recommendations of the Stage 1 Road Safety Audit Report accompanying the application.

c) A scheme has been submitted to and approved in writing by the Local Planning Authority to ensure that no structure or erection exceeding 0.6 metres in height shall be placed within the area annotated '2.4 x 90 metres visibility (The Design Manual for Roads and Bridges)' outside the A27 highway boundary as shown on Drawing No. 2009/1012/004 dated March 2009. Thereafter no such structure shall be placed or allowed to grow within the said area affected by sightlines exceeding 0.6 metres in height.

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Reason: To ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety. In the interest of road safety in accordance with PPG13: Transport and Department For Transport Circular 2/07 The Strategic Road Network and The Highways Agency's Design Manual for Roads and Bridges.

10. The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reason: In accordance with the principles of Planning Policy Statement 23 – "Planning and Pollution Control" (PPS23 and PPS26: Development and Flood Risk). This site is situated on Head Deposits composed of clay, silt, sand and gravel that overlie Tarrant Chalk which is classified as a Principle Aquifer in terms of the quantity of water it can yield for supply and our policy for the protection of groundwater. The site also lies within an Source Protection Zone I (SPZ1) for the Broadwater public abstraction. As such, this site is considered sensitive with respect to Controlled Waters and surface water should be managed appropriately. In addition, the proposal lies in Flood Zone 1.

11. The development shall not be built other than in accordance with the arrangements for refuse/recycling storage and collection shown on drawing 5104/01-H and shall be retained thereafter.

Reason: To ensure safe, efficient and convenient refuse collection and in the interests of road safety.

12. Notwithstanding the submitted drawings, no dwelling shall be occupied unless and until the siting of the rumble strip on the vehicular access has been agreed in writing by the Local Planning Authority and the scheme shall not be built other than in full accordance with any such approval.

Reason: In the interests of highway safety and pedestrian convenience.

13. 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.

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14. 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.

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. The development shall not be built other than in full accordance with the approved drawings and submitted Arboricultural Tree survey Report and Tree Survey-Tree Constraints Plan and Tree Protection and Retention Plan in drawings LLD191/1 and 02, plus supplementary planting by the eastern boundary adjacent to unit 9 and northern boundary adjacent to units 5 to 9, to be agreed in advance by the Local Planning Authority.

Notwithstanding the above:-

a) measures to protect root areas where access is required during construction shall be in place before any site works begin; and
b) the details of no dig construction new hard surfaces referred to in the Arboricultural report and shall be agreed in advance of commencement of any works and implemented in full; and
c) no development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority samples of the hard landscaping and the scheme shall be carried out in accordance with any such approval; and
d) All new and existing planting shall be maintained to conform with the sightlines set out in condition 9; and
e) The TPO description of T3 (TPO No.1 of 2007), which is annotated as T10 on the applicants survey, is incorrect and this tree is an Ash (Fraxinus excelsior) and not a Sycamore as described in the TPO and the survey and shall be retained and protected accordingly.

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All planting, seeding or turfing comprised in the above soft 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.

Reason: In the interests of amenity and of the environment of the development and to protect important other trees covered by Tree Preservation Orders.

17. 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 policy BE1 and Planning Policy Statement1: Delivering Sustainable Development.

18. The development shall be built in accordance with the boundary treatment shown on the approved plans, subject to conformity with the visibility sightlines set out in condition 9 and, notwithstanding the above, the approval of the details by the Local Planning Authority of the front boundary walls, prior to any commencement of works and the works to be implemented in full accordance with any such approval.

Reason: In the interests of visual amenity in accordance with Saved Worthing Local Plan Policy BE1 and Planning Policy Statement1: Delivering Sustainable Development and to ensure sightlines at the vehicular access are safeguarded.

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 (all trickle vents shall be concealed) and doors
c) dormers and rooflights
d) eaves
e) roof hips and ridges (the hips on all the new houses and garages as shown on the approved plans shall use bonnet tiles)
f) chimneys
g) finials, bargeboards and rafters
h) window arches

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i) garages
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 new access shall not be commenced unless and until the pedestrian crossing has been relocated and allied road markings made in accordance with the approved drawings and in full conformity with relevant Highways Agency standards.

Reason: In the interests of road safety and to allow pedestrian to continue to cross the road safely and conveniently.

21. The development shall not commence unless and until a scheme has been submitted and approved by the Local Planning Authority to provide nesting and roosting opportunities for bats and the development shall not be built other than full accordance with any such approval. The agreed scheme shall be maintained thereafter.

Reason: The site has the potential for bats and suitable provision in new schemes is encouraged in PPS9: Planning For Biodiversity and Geological Conservation.

INFORMATIVES

Reasons for Approval

1. The Committee were mindful of local concerns generally. However, it considered that the principle of residential redevelopment is acceptable on this brownfield site in the urban area and the scheme optimizes development potential at a suitable density. The dwelling mix is satisfactory and the scheme will contribute towards meeting housing targets.

The scheme has been carefully designed and arranged to avoid harm to neighbouring occupiers and provides a good standard of accommodation. Future occupiers will be exposed to the effects of heavy traffic on the A27 but suitable sound insulation measures would address any significant problems.

The scheme achieves a high standard of design with a clear concept and sense of place and sits comfortably in the townscape. The important trees are maintained.

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The Committee was particularly concerned over the proposed vehicular access arrangements onto the A27 and their safety implications in view of Warren Road's status and function as a trunk road; its busy traffic load; the proximity of the new access to the roundabout and pedestrian crossing and the traffic generated by the development and the local history of resistance to such developments directly served off the A27. However, in the light of the absence of an objection from the Highways Agency to the scheme and fuller explanation of its reasoning; the safeguards proposed and clarification of the design process and Road safety Audit the Committee was satisfied that the scheme was acceptable in access, traffic and parking terms. In particular the proposal was considered to be compliant with relevant policy and practice; would result in safety benefits from reducing the number of vehicular accesses from three to one; the traffic generation increase was considered to be modest and not a material increase; this section of road did not have a poor accident record; the scheme had been tested and informed by a road safety audit; and the design of the access, the relocation of the pedestrian crossing and other proposed allied works provided satisfactory safeguards.

The environmental impact of the scheme is acceptable, subject to suitable conditions and the completed unilateral undertaking in respect of required development contributions was satisfactory.

As such, it considered the scheme should be supported, subject to suitable conditions and the above unilateral undertaking.

2. The above decision to grant planning permission was 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
H10 - Loss of Existing Dwellings
H18 - Amenity of Residents
RES12 - Provision of Infrastructure
TR9 - Parking Requirements for Development

South East Plan 2009

BE1 - Management for an Urban Renaissance
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

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H4 - Type and Size of New Housing
H5 - Housing Design and Density
NRM2 - Water Quality
NRM4 - Sustainable Flood Risk Management
NRM5 - Conservation and Improvement of Biodiversity
NRM9 - Air Quality
SCT1 - Core Strategy
SCT5 - Housing Distribution
SP3 - Urban Focus and Urban Renaissance
T2 - Mobility Management
T4 - Parking
W2 - Sustainable Design, Construction

Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing
PPG13: Transport
PPG24: Planning and Noise
PPG23: Planning and Pollution Control
PPS25: Development and Flood Risk: Development and Flood Risk
PPS4: Planning for Sustainable Economic Growth
Circular 02/2007: Planning and the Strategic Road Network
Circular 04/200: Control of Development Affecting trunk roads and Agreements with Developers under Section 278 of the Highways Act 1980
Design Manual for Roads and Bridges (DMRB)

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 £10,250 towards upgrading local transport facilities to accommodate the additional pressure generated by the development.

4. The Environment Agency offer advice as follows in respect of condition 10:-

Surface water drainage

We are satisfied that clean roof water can be disposed of via soakaway. Clean roof water from may be discharged directly to a soakaway if required without passing through any pollution prevention system. The surface water system must use sealed down pipes without open gullies.

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However we are not satisfied with the use of a soakaway for the drainage of the car parking areas. There is an active surface water sewer in the area. Due to the sensitivity of groundwater at this location the applicant should discuss the possibility of connecting to mains with the service provider as the preferred option. The LPA should confirm with the Southern Water that the sewerage system has sufficient capacity to accommodate this proposal. The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to, and approved in writing by, the Local Planning Authority (LPA). The scheme shall be implemented as approved.

If there is no option to connect to the surface water sewer then we recommend that consideration is given to a suitably designed Sustainable Drainage System (SuDs). Guidance given in PPS25 – "Development and Flood Risk", identifies that full consideration needs to be given to using Sustainable Drainage Systems as the preferred option which provide a higher quality of discharge.

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 1") for guidance on surface water drainage information.

Protection of Controlled Waters

All precautions must be taken to avoid discharges and spills to the ground both during and after construction.

For advice on pollution prevention measures, the applicant should refer to our Pollution Prevention Guidance 1 – 'General Guide to the Prevention of Pollution'.

5. The County Ecologist advises that should protected bat species be found to be present work must stop and Natural England informed. A licence may be required from Natural England before works can re-commence, Natural England will advise. The applicant is also advised that to protect nesting birds under the Wildlife and Countrywide Act 1981 (as amended), no tree or hedgerow should be removed between 1st March and 31st August inclusive in any year. Natural England may be contacted at Natural England, Eastern Team, Phoenix House, 33 North Street, Lewes, East Sussex, BN7 2PH.