Expiry Date - 25/06/2025

Development Management – Delegated Officer Report

Application Number: AWDM/0530/25 **Recommendation – APPROVE**

Site: **The Drive Mill Lane Worthing West Sussex**

Proposal: **Erection of 3no. 3-bedroom detached dwellings with associated landscaping on Plots 1 and 2 of the previously consented scheme under reference AWDM/0615/13**

Date of site visit: Various to the site

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

'The Drive' is a large detached, inter war chalet bungalow which, together with its existing/former large garden, is situated on the west side of Mill Lane behind the frontage development.

On the southern flank of the access road and fronting Mill Lane is the partly cleared/overgrown plot of a proposed chalet style house whose planning permission was renewed under *AWDM/0262/11* but works do not appear to have commenced. To the south of this is the relatively recently built, large two storey house in similar style, known as Dunloran, approved under *WB/05/0216/FULL*.

Raddison House, 77 Mill Lane, sits deeper into the site to the west of Dunloran It is a large, detached house facing north with detached garage to the side (east).

The land associated with The Drive features many shrubs and trees including several trees protected by two long standing Tree Preservation Orders (TPO10/91 and TPO29/98) comprising several mature trees close to the southern and western boundaries, within the central part of the site and along the access drive to the site. A more recent Tree Preservation Order (TPO2/13) was added in 2013 covering the holm oak on the southern boundary with No 12A Woodland Ave.

Four residential plots were approved under AWDM/0615/13 as varied by AWDM/1566/13. Plots 1 and 2 are to the north of the site, plot 3 to the west and plot 4 (now complete) to the south adjacent and to the west of 'Radisson House'. Plot 3 was further approved as two four bedroom dwellings under AWDM/1107/15 which was later amended under AWDM/0692/20. These plots are completed and lived in.

To the west / south west of plot 4 is a modern bungalow 12A Woodland Avenue it is set on lower ground and the bungalow cut into the slope. There are windows in the north elevation facing onto a sloping garden. The rear garden is lawned with boundary planting to the north and east adjacent to plot 4. This comprises trees and shrubs. There is a fence and mature planting on the north of this property which serves as the boundary with plot 3a.
To the west of the site is the residential early post-war cul de sac of Hayling Gardens comprising chalet/bungalows. The modest rear gardens of Nos 12 to 16 either adjoin or sit close-by and their common boundary with the application site is largely marked by fencing and trees/shrubs/hedges.

To the south beyond plot 4 and Radisson House is a mix of inter war chalet/bungalow and more modern development in Woodland Avenue. The modern backland bungalows at Nos 12A and 16B are closest to the boundary with the site which is marked at this point by a mix of hedges/shrubs and trees, including a turkey oak recently protected under a Tree Preservation Order.

To the north (High View) and east (Mill Lane) are a group of the 1960s bungalows. All have relatively shallow rear gardens and the Mill Lane bungalows typically step down slightly from actual ground floor levels to back garden and then to the application site. The common boundaries feature sections of planting, including trees. ‘ The Lanterns’ adjoins the access drive but is set back and separated by a garage and planting.

The woodland directly to the east is (The Gallops and ‘No Man’s Land’ Site of Nature Conservation Importance) within the South Downs National Park.

Mill Lane is an unmetalled, unadopted narrow road at this point. Combined with the extensive vegetation of the Gallops, the area has a distinct semi-rural character.

Proposal and Relevant History
The originally approved scheme and amended scheme entailed the demolition of the existing house (The Drive) and outbuildings and building four houses (3 x four beds and 1 x five bed).

The approved development read as a small cul de sac accessed off an upgraded access road and looking inwards towards a central landscaped area. Plots 1 and 2 (the subject of the current application) sit in the northern part of the site, original Plots 3 to the west (now in two plots 3A and 3B) and Plot 4 sits at the western part of the site alongside Raddison House. Plots 3A, 3 B and 4 are now complete.

The houses were originally designed as a family group in different but complementary, traditional style, with predominantly hipped roofs but some front gables; half dormers, bays, chimneys and porches and variously faced in flint, weatherboard, hanging tile and brick with plain tile roofs.

In 2015 under application AWDM/1107/15, plot 3 became two plots and replaced the large detached 4 bedroomed house with 2 x four bed houses. The approved dwellings comprised two storey barn ended hipped houses which

dropped down to single storey at the rear. The dwellings had set back single side garages, featuring asymmetrical pitched roofs adjoining the projections. The style was similar to the approved houses, in Edwardian reproduction with front porches, chimneys and bays. One was faced in weather board and the other in brick and hanging tile. The later approval under AWDM/0692/20 was for similar bulk of two dwellings in width, position and height. The main difference was an addition of a further single storey element at the rear, changed window positions, a slightly different design and the removal of the chimneys.

The originally approved dwellings on plots 1 and 2 comprised two detached two storey houses, with a central gable forward projection, hip end roof and materials of brick, tile hung and render with brick detailing. Each property had an attached double garage with hip end roof. The garages situated to the outside of the two dwellings, with the dwellings themselves close (approx. 2m). The approved plans show a sloped site with plot 1 (east side) at a lower level. Each property had two parking spaces in front of the garages. The area to the frontage was shown as garden and landscaped.

In 2023 a planning application was submitted for 4 x 3 bedroom, semi detached houses with rooms in the roof space. The application was refused and dismissed on appeal the inspector concluding that significant height and bulk above first floor would harm the character and appearance of the area and the excessive height would make the development appear overbearing and harm the outlook from Raddison House and plot 4. Furthermore, the dwellings would appear overbearing to the occupants of plot 3B by virtue of its proximity to the dwellings and the scale and bulk.

The current application which has been amended since originally submitted is for 3 x 3-bedroom detached houses on former Plots 1 and 2. The proposed dwellings comprise 2no gable-fronted and 1no largely hip-fronted two storey dwellings each with an attached single garage. The built form would be in a similar syle to the existing development on the site with a range of materials including brick, render and tile hanging. The westerly proposed plot would have a largely hipped roof to the front. All the proposed dwellings would have modest single-storey front projection at a ground floor containing the front bay and porch. At the rear there is a single storey projection. Parking is shown to the sides of the properties.

The application is supported by:
A planning, design and access statement
Soakaway Calculations
Surface Water Drainage strategy
BNG Assessment
Biodiversity Metric
Habitat Condition Assessment

A comparative plan has been submitted showing the location of the approved plans to compared to the proposed plots.

Relevant Planning History:

AWDM/0262/11-Outline application for the development of 1 No. detached chalet-style house and 1 No. detached bungalow (including partial re-plan of planning permission WB/05/0216/FULL encompassing chalet-style house) on land comprising part of rear garden of Dunloran Mill Lane; land to the north of Dunloran the subject of planning permission WB/05/0216/FULL and southern part of The Drive and allied driveway off Mill Lane.

AWDM/0784/12-Development of 1 no. detached dropped-eaves house following planning permission AWDM/0262/11

AWDM/0615/13; *Demolition of 'The Drive' and redevelopment to provide four detached houses, together with access road, parking and landscaping (including felling of trees/replacement planting)* which was granted in October 2013. This comprised the redevelopment of the (still existing and occupied) inter war chalet house known as 'The Drive' and its large woody plot by building four new large detached houses in a cul de sac off Mill Lane.

AWDM/1566/13-Redevelopment to provide 4 detached houses (AWDM/0615/13); Amendments to Plot 4 (variation of conditions 2, 3, 4 and 8) including removal of garage and provision of car port; extension to ground floor (south elevation) and pergola; creation of porch and solar panels on roof ; insertion of two fixed shut obscure glazed windows in upper floor of west flank and rooflight in front slope and resiting chimney to east flank AWDM/1566/13)

AWDM/1678/16; Amendment to previously approved AWDM/1566/13. Amendments to approved four bedroom detached house with single garage (plot 4) to a four bedroom detached house of a different form with double garage- refused

AWDM/1107/15-Redevelopment to provide 4 detached houses as amended under AWDM/1566/13; New Amendments to replace 1 x four bed house on Plot 3 at western end of site with 2 x four bed detached houses and allied variation of conditions 2, 6 and 14.

AWDM/0216/17 *Replacement of approved four bedroom detached house with single garage (Plot 4) under Planning Permission AWDM/1566/13 with a four bedroom detached house of a different form with single garage. (Revised application to previously refused AWDM/1678/16)* was approved in January 2017

AWDM/0216/17 was identical to the approved scheme under AWDM/1566/13 except in respect of changes made to plot 4 (and that the changes agreed under AWDM/1107/15 to subdivide plot 3 to two detached houses were erroneously shown).

Under AWDM/0216/17, the changes to plot 4 compared to *AWDM/1566/13* were that the form of the house and enclosed parking were materially changed.

AWDM/1773/17- The changes to plot 4 are identical to that approved under AWDM/0216/17, save that the proposal now included retention of an upper floor window in its west elevation and proposed a new double garage, identical to that proposed under AWDM/1678/16. The application is presented as a free standing application to plot 4 only and not as an amendment to AWDM/0615/13.

AWDM/0090/19-Revisions to approved four-bedroom detached house with double garage (Plot 4). Amendment to planning permission AWDM/1773/17 Amendment: enlarged size and position of double garage and installation of window to south-east elevation of the garage –Approved

AWDM/0847/20-Variation of Condition 9 of Approved AWDM/1566/13 to extend construction site working hours to Monday-Saturday until 9pm for a one year period- Refused

AWDM/0692/20-Amendment to planning permission AWDM/1107/15 to develop 2no. 4-bedroom detached houses on Plot 3 of consented scheme AWDM/1566/13. Amendments involve larger dwelling footprints -PCO

AWDM/1492/20- Application to vary hours of work of previously approved AWDM/0615/13 (Condition 9) under Section 74B. Proposed construction hours of work to be 8am-9pm Monday to Saturday until 31st March 2021- REFUSED

AWDM/0692/20- Amendment to planning permission AWDM/1107/15 to develop 2no. 4-bedroom detached houses on Plot 3 of consented scheme AWDM/1566/13. Amendments involve larger dwelling footprints - APPROVED

AWDM/1442/21- Application for variation of condition to Approved AWDM/0692/20; Condition 3 (landscaping)- APPROVED.

AWDM/0448/22- Erection of 4no. 3-bedroom semi-detached houses on Plots 1 and 2 of previously consented scheme under reference AWDM/0615/13- REFUSED- DISMISSED ON APPEAL

1. *The proposed four dwellings on the site of approved two dwellings would by reason of their height, bulk, massing, design and siting on this constrained backland site result in a cramped, overdevelopment and have a detrimental effect on the character and visual amenity of this small group of houses off Mill Lane. The proposal would therefore be contrary to Policies, 8 and 16 of the Worthing Core Strategy, the Guide to Residential Development SPD 2013, DM1, DM2 and DM5 of the Submission Draft Worthing Local Plan (As Modified) and the relevant paragraphs of the National Planning Policy Framework*

2. *Taking account of the topography of the site the proposed dwellings by reason of their size, siting, form, massing and design would unacceptably harm the amenity of the neighbouring residents in terms of overlooking, loss of light, overbearing effect and general noise and disturbance from domestic*

activities associated with the intensity of development, in particular, Raddison House, Plot 4, Plot 3B Mill Lane, as well as 1 and 2 High View. The proposal would therefore be contrary to saved policy H18 of the Worthing Local Plan, Policy 16 of the Worthing Core Strategy, the Guide to Residential Development SPD 2013, Policy DM5 of the Submission Draft Worthing Local Plan (As Modified) and relevant policies of the National Planning Policy Framework.

Enforcement Report September 2023

The recommendations in the report:

i) A Breach of Condition Notice (BCN) is served to require the developer to rectify the breaches of conditions 3,4,8,9, and 11.

ii) The developer is requested to apply to vary condition 12 to remove the requirement for off site biodiversity improvements and to meet the requirements of the first part of the condition in the meantime..

iii) An Enforcement Notice is served requiring the removal of the unauthorised double garage

iv) Members to note that subject to satisfactory evidence and consultation with the Head of Legal prosecution action to be pursued in relation to damage to the preserved tree.

The Planning Committee agreed the recommendation and approved that a Breach of Condition Notice be served and an Enforcement Notice in relation to the unauthorised construction of a double garage and to delegate possible prosecution action

Prosecution took place on the 23rd July 2025 resulting in a guilty verdict and a fine

AWDM/1395/24- Application to partially vary condition 4 of AWDM/0692/20 to remove requirement for obscure glazed and non-openable south facing roof light windows within Plot 3a. [Planning permission AWDM/0692/20: Amendment to planning permission AWDM/1107/15 to develop 2no. 4-bedroom detached houses on Plot 3 of consented scheme AWDM/1566/13. Amendments involve larger dwelling footprints.]- REFUSED

1. *Without evidence the contrary the south facing roof light windows to plot 3A without being obscure glazed and non-openable would cause detrimental overlooking and loss of amenity of the residents of 12A Woodlands Avenue. The proposal is therefore contrary to policy DM5 of the Worthing Local Plan and relevant policies of the NPPF.*

The application was dismissed on appeal.

AWDM/1396/24- Application to vary condition 1 (approved plans) of AWDM/0692/20 to retain double garage on Plot 3a.

[Planning permission AWDM/0692/20: Amendment to planning permission AWDM/1107/15 to develop 2no. 4-bedroom detached houses on Plot 3 of consented scheme AWDM/1566/13. Amendments involve larger dwelling footprints.]- REFUSED

> *1. The Turkey Oak Tree (T2 of 2013) is an established feature which contributes positively to the local character and landscape of the area. The retrospective garage is within close proximity of the tree and well within the root protection area. The position of the extended garage has an impact on the canopy, future growth and pressure on the tree and without evidence to the contrary potential damage to the tree roots and viability of the tree. The proposal is therefore contrary to policies DM5 and DM18 of the Worthing Local Plan (2023) and the relevant policies of the NPPF.*

2. *The retrospective extended garage by reason of its size and siting has resulted in a cramped overdevelopment of the plot having a detrimental impact on the character and visual amenity of this small group of houses off Mill Lane. The garage extension furthermore does not provide the TPO Turkey Oak its appropriate setting within its "sylvan character' as part of the original planning consent. The proposal would therefore be contrary to policies DM5 and DM18 of the Worthing Local Plan (2023) and the relevant paragraphs of the NPPF.*

AWDM/1123/25- Application to vary Condition 12 (No occupation of plots 1, 2 or 3a or 3b shall commence unless and until The Drive has been demolished) of approved AWDM/0692/20 to No occupation of plots 1 or 2 shall commence unless and until The Drive has been demolished. REFUSED

The site is currently subject to enforcement action for breach of conditions.

Consultations:

WSCC Highways: No objection, commenting: -

"Background and Site Context
The application site is located to the rear of 'The Drive' comprising a large, detached property located on the west side of Mill Lane, set back from the frontage development along Mill Lane. The site has an extensive planning history. This application seeks an amendment to a previously approved planning permission, AWDM/0615/13, which sought demolition of The Drive and redevelopment to provide four detached houses. The amendments seek to provide 3 x 3-bed houses (Class C3) with associated parking and landscaping. Prior to the current planning application there was another amendment proposed under AWDM/0692/20 which was refused and subsequent appeal dismissed.

Access Arrangements

Access to the wider site is achieved via an access point with Mill Lane, which at this point is unadopted. Access to the wider adopted highway network then takes place at multiple points, but most likely via Woodland Avenue. Given the significant number of other dwellings that make use of these access points onto the wider adopted highway network no capacity concerns would be raised to the slight increase by additional two dwellings.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last 5 years reveals no recorded injury accidents within the vicinity of the site access. Therefore, there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

Parking and Internal Layout
The development site lies within Parking Behaviour Zone (PBZ) 2 which requires 2 vehicle parking spaces per dwelling which the applicant proposes to provide. Safe and secure cycle parking provision can be accommodated within the curtilage of each dwelling.

Delivery and servicing are carried out on site. No refuse tracking analysis is submitted under this application. However, for a similar internal layout, refuse tracking was carried out under application AWDM/0615/13 demonstrating that a refuse vehicle can turn within the confines of the site.

Conclusion
The Local Highway Authority (LHA) do not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network; therefore, is not contrary to the National Planning Policy Framework (NPPF), paragraphs 114 - 117, as revised December 2024. Therefore, there are no transport grounds to resist this proposal."

In the event planning permission is granted the LHA recommend the following conditions should be applied:

Vehicle Parking and Turning
No part of the development shall be first occupied until the vehicle parking spaces have been constructed in accordance with plans and details submitted to and approved by the LPA.
Reason: To provide adequate on-site car parking space for the development.

Cycle Parking
No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.
Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

Construction Plant and Materials

No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details of all temporary contractor buildings, plant and stacks of materials, provision for the temporary parking of contractor vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access.

Southern Water: No objection in principle commenting: -

Proposed soakaways
The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. No new soakaways should be located within 5 metres of a public or adoptable gravity sewer, rising main or water main.
No Soakaways should be connected to the public surface water sewer.

Connection to public sewer
Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service:
https://developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: https://www.southernwater.co.uk/developing-building/connection-charging-arrangements

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

Proposed works involve demolition
In order to protect and safeguard the existing water supply apparatus, Southern Water requests formal notification of any proposed demolition works prior to such works being undertaken.

Tree planting
We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers" (https://www.southernwater.co.uk/media/pddob0vn/ds-tree-planting-guide-1_nwm.pdf) and the Sewerage Sector Guidance (https://www.water.org.uk/sewerage-sector-guidance-approved-documents/) with regards to any landscaping proposals and our restrictions and

maintenance of tree planting adjacent to sewers, rising mains and water mains.

The following condition is recommended: -

Condition
In order to protect public apparatus, Southern Water requests that if consent is granted, the following pre commencement condition is attached to the planning permission; The developer must advise the local authority (in consultation with Southern Water) of the landscaping proposals in proximity of public apparatus in order to protect it in accordance with Southern Water's guidance, prior to the commencement of the development.

Adur and Worthing Councils

Drainage consultants WSP: No objection in principle subject to recommended conditions: -

Following a review of the submitted information, we have no objection on surface water grounds. We note that details of drainage have been provided however, insufficient information has been provided regarding infiltration rates and groundwater monitoring. The applicant should provide groundwater monitoring to demonstrate a 1m clearance between the base of the soakaways and the highest recorded groundwater levels. The location of this monitoring should be mapped along with the location of where the provided infiltration testing was conducted. If these results prove in favour of infiltration as a form of drainage, updated calculations should be provided that do not utilise base infiltration for each soakaway, due to the likelihood of the base of the soakaways silting up. Due to the site, size, location, and type of development we would recommend the approval of the application in principle with the following conditions to allow the application to move forward:

Condition 1: 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. Groundwater monitoring and 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 flood risk is adequately addressed and not increased in accordance with NPPF and Policies of Adur & Worthing Council.

Condition 2: 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 that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of Adur and Worthing Council.

Environmental Health (Public Health): -

Works of construction or demolition and the use of all plant and machinery, shall be limited to the following times.

Monday - Friday 08:00 - 18:00 Hours
Saturday 09:00 - 13:00 Hours
Sundays 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 residential amenity of the area.

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:

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- HGV construction traffic routings shall be designed to minimise journey distance through the Council's Air Quality Management Area (AQMA),
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- a commitment to no burning on site,
- 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),
- methods to control dust from the site, including access roads,
- a commitment to following BS5228:Code of Practice for noise and vibration control on construction and open sites,
- details of public and neighbour engagement both prior to and during construction works.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers during construction.

Representations:

Objections, comments

Duro Vernum, Mill Lane, 1 High View, 12A Woodland Avenue, High Salvington Residents Association, 10 Woodland Avenue, Radisson House 77 Mill Lane

- Overbearing to surrounding properties
- Excessive density, overdevelopment
- Inadequate access and parking
- Undermine the reasoning underlying the original permission
- Impact on neighbouring properties
- Additional noise and disturbance
- The dwellings are an improvement and the effect on light and privacy only slightly worse than the original 2015 plan
- Compliance and timescales for any further permission need to be checked
- Fencing to the boundary should be no greater than 2m from ground level of 1 High View
- Loss of light visual impact to 12A Woodland Avenue
- The biodiversity matrix should be for the whole site not just the application site
- Detract from the 'Sylvan' Character was buildings squashed into the site
- Piecemeal application without the context of the development as a whole
- History of non-compliance with previous conditions on site

- Pre-build conditions are required and a maximum timeframe to complete the development enforced
- The original houses for plots 1 and 2 proposed cutting into the site to reduce the impact and height, this should be restored and conditioned
- Details of surface water drainage are not clear, conditions requested by WSP should be implemented
- The estate road and parking are not adequate and the layout and surface fails to comply with S278 agreement under the Highways Act
- The development will increase traffic
- There is environmental nuisance, fire and noise which have not been complied with
- It is not clear what provisions are in place as to how the build will meet ecological standards and best practice.
- Inconsistencies with the perimeter of the 'site'the whole site should be considered.
- The soakaway plan is not consistent with the landscaping plan and existing plot boundaries
- Labelling of plots and existing houses is not correct
- There is no gravel estate road as indicated in the BNG statement
- The estate road surface is unsatisfactory and again the site should be considered as a whole
- Potential impact on trees
- The existing CMS and hours of working condition has not been adhered to and enforcement notices ignored.

Support/no objection

45 Dacha Mill Lane, 35 Uplands Avenue, Tree Tops, 81 Mill Lane, The Drive Mill Lane, Dunorlan, Mill Lane, Pine View 83 Mill Lane, 7 Furze Close: -

- Well-designed houses, complimentary houses to the area.
- There is a need for housing.

Relevant Planning Policies

Worthing Local Plan 2020-2036 (WBC 2023): Policies:
SP1 (Presumption in Favour of Sustainable Development)
SS1 (Spatial Strategy)
DM1 (Housing Mix)
DM2 (Housing Density)
DM5 (Quality of the Built Environment)
DM15 (Sustainable Transport and Active Travel)
DM16 (Sustainable Design)
DM17 (Energy)
DM20 (Flood Risk and Sustainable Drainage)
DM22 (Pollution)

National Planning Policy Framework (MHCLG 2024)
National Planning Practice Guidance
SPD 'Space Standards' (WBC 2012)
SDP 'A Guide to Residential Development' (WBC 2013)

Expiry Date - 25/06/2025

CIL Charging Schedule (Aug 2021)

Planning Assessment

Principle of Development

The Worthing Local Plan was adopted on 28th March 2023 (base date of Plan 2020). Policy SS1 sets out the Housing supply over the period 2020-2036 and gives a total figure of 3672 (an annual target of 230 dwellings per annum).

Paragraph 78 of the NPPF (2024) requires that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should, in addition, include a buffer (moved forward from later in the plan period) of:
a) 5% to ensure choice and competition in the market for land; or
b) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply; or
c) From 1 July 2026, for the purposes of decision-making only, 20% where a local planning authority has a housing requirement adopted in the last five years examined against a previous version of the Framework, and whose annual average housing requirement is 80% or less of the most up to date local housing need figure calculated using the standard method set out in national planning practice guidance.

The most recent 5 Year Housing Land Supply (5YRHLS) position for Worthing (as at 01/04/2023) demonstrates a 6.3 years supply applying a 20% buffer as at that time Worthing had failed the then current Housing Delivery Test (HDT) (2022 published December 2023).

However, the most recent HDT 2023 (published December 2024) shows that Worthing scored 107% and therefore faces no consequences from the HDT.

Having a 5YRHLS position and having passed the HDT with no consequences means that for Worthing Paragraph 11 c) of the NPPF applies which states: '*For decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay* '.

Principle

The principle of residential development has already been established under the substantive planning permission and subsequent amendments. The main issues are whether the additional dwellings in the form proposed would be appropriate in terms of their character, appearance and suitability, impact of the amenity of neighbouring properties and any other technical issues.

Character, appearance and suitability

The National Planning Policy Framework (NPPF) and policies within the Worthing Core Strategy attach great weight to sustainable development and that good design is a key aspect of sustainable development.

The 'Guide for Residential Development' (SPD) indicates that all new development will be expected to demonstrate good quality architectural and landscape design and use of materials. In particular, new development should display a good quality of architectural composition and detailing as well as responding positively to the important aspects of local character, exploiting all reason opportunities for enhancement. Where appropriate, innovative and contemporary design solutions will be encouraged.

To retain the quality of the local environment, it is essential that development proposals are designed to respond positively to their context. New development should relate well to its surroundings. It should not ignore the existing environment but should respond to it, exploiting site features and incorporating them into the process. New development should be of a high quality which responds to the urban context and settlement pattern.

As indicated above the whole site was originally proposed as a development for 4 two storey detached dwellings, this was increased by a further dwelling when plot 3 became plots 3A and 3B. The current proposal involves increasing the size of the development by a further dwelling. The proposed dwellings would be on a similar site to approved plots 1 and 2.

The planning inspector in relation to application AWDM/0448/22 for 4 dwellings on the site of plots 1 and 2 indicated at para 13 acknowledged that there would be an increase in the number of dwellings at the site and this would generate more comings and goings. However, they considered that any effect would be limited due to the small scale of the development. In addition, the site is within a residential area and the addition of two properties would not demonstrably increase in noise and disturbance. It is not therefore considered that an additional dwelling would have a detrimental impact on density or be an overdevelopment of the site.

Original plots 1 and 2 had a staggered plan with plot 1 set forward and plot 2 set slightly back. The dwellings were also shown to be cut into the site. The current application has a similar staggered form with proposed two of the proposed plots (2 and 3) to the east set further forward than proposed plot 1. The proposed plots would have gaps between them and would as previously be cut into the site with a similar Finished Floor Level (FFL).

The proposed dwellings would be two-storey similar in scale and size to built plots 3A and 3B. The design of the dwellings also takes reference from the existing plots on the site with tiled bays, gables and rendering and maintains the character appropriate for this small enclave of development. A condition to submit detailed materials is considered appropriate to ensure consistency with surrounding built development.

With the slight staggering, maintained FFL and similar style and scale to existing development, it is considered that the development would be character with the site and the scale of surrounding development and would not impact on the underlying original 'Sylvan' Character' permission. To ensure that dwellings retain their character and scale, a permitted development restriction is considered appropriate to ensure that the site is not overdeveloped or impacted on neighbours' amenity.

The impact on the amenities of neighbouring occupiers

The most effected neighbours are 77 Raddison House, plot 4 and Plots 3B within the The Drive, Lanterns and 'Highcroft' Mill Lane, 1 and 2 High View.

The current application has been amended in the context of the previous refusal and appeal decision for 4 dwellings on this site. Although there is concern that the application does not show all of the original site within the application boundary, the applicant is at liberty to submit the application in this format. The history of the site is available to officers and members of the public and is taken into account in the determination of this application.

No 77 Raddison House is situated directly opposite (south and east) of the approved 2-storey dwelling on the former Plot 1. The proposed dwellings on new Plots 2 and 3 will be sited slightly further forward than that on former Plot 1 at a separation distance of approx. 15-16m. It is considered the resulting relationship would not be dissimilar to the dwelling on previously approved Plot 1 and not inconsistent with other forms of modern front to front development in this type of informal setting. The dwellings would furthermore be north of No.77 and as such would not cause detrimental loss of light or visual impact to this property.

Plot 4 which is currently occupied has a similar but slightly greater separation distance and as such it is not considered that the development would have a detrimental impact in terms of visual impact or loss of light.

With regards to plot 3B this plot (currently occupied) is situated to the southwest. The plot has living and bedroom windows in the front elevation facing proposed plot 1. The proposed plot 1 would be within approx. 9.2m of the frontage of this property, this is similar to the previously approved Plot 2. With the similar distance and now two storey form of development proposed similar to the approved plot it is not considered that the development would have a detrimental visual impact on plot 3B or cause loss of light. The parking and access in relation to proposed Plot 1 is similar to formerly approved Plot 2 and as such no additional impact on noise and disturbance is envisaged than the previously approved scheme.

A comparison plan has been submitted showing the approved profile of plot 2 compared to proposed plot 1. It shows a slightly steeper roof pitch and additional roof when viewed from plot 3b, however it will not project any further forward and the additional roof viewed by this property would not be significant.

Plot 1 has a number of windows in the west elevation to a hall, landing and bathroom which would face the front elevation of plot 3B. In view of the relationship and distance it is considered that these windows should be obscure glazed. This can be dealt with by condition.

The relation to occupied plots and particularly plot 3B means that 'The Drive' should be demolished before commencement.

In terms of Lanterns and Highcroft Mill Lane, both are bungalows, these properties are situated to the east of proposed plot 3. The proposed plot is deeper than the previous approved plot 1, however with the garage nearest to the boundary and no significant additional height and bulk and at a distance of approx. 5.6m from the boundary (for the main bulk of the dwelling) and at a distance of approx.. 16m side to rear it is not considered the additional dwelling would cause detrimental loss of light or visual impact to these properties so as to refuse the application on this basis.

At the rear of the proposed plots are 1 and 2 High View, which are relatively small scale bungalows. The proposed dwellings would be south. The proposed Plots 2 and 3 would be approx. 15.1-15.6m to the boundary and Plot 3 at its nearest residential point is approx. 20m. Although these plots are marginally closer than the approved Plot 1 it is not considered that the additional dwelling would cause detrimental loss of light, visual impact or overlooking to this property so as to refuse the application on this basis.

The residents of No 1 Highview have requested that the fencing to the boundary should be no greater than 2m from ground level from 1 High View. This could be sought through condition.

No 2 has its side end to rear of the plots, similarly it is not considered that the slightly reduced separation would cause detrimental loss of light, visual impact or overlooking to this property so as to refuse the application on this basis.

12A Woodland Avenue has also raised concerns in terms of potential for loss of light and visual impact from the proposed dwellings. However, in view of approved plots and that occupied plots 3A and 4 are between the proposed development and 12A, it is not considered that the development would cause detrimental loss of light or visual impact so as warrant refusal of the application on this basis.

It is acknowledged that the site has been under construction for a number of years and that conditions have not been discharged or adhered to and unauthorised work have taken place and these have required a number of procedures including enforcement action and prosecution to deal with the matters, these are currently still ongoing and it is acknowledged that some of the works and practices on site have caused nuisance and concern to local residents.

Nevertheless, the current application needs to be determined on its own merits. There are no procedures in planning law to set a time frame for the completion of works on a development site, only a timeframe for work to commence

(usually 3 years). Any permission will be subject to conditions as deemed necessary, some of which are set out in the consultee responses as set out above and will be required to be agreed prior to commencement and occupation. The permission granted will be subject to conditions and the failure to adhere to conditions will risk potential further enforcement action as deemed necessary.

Conditions to ensure that the site practices are put in place such as suppression of dust, construction management plan, site set up and hours of working are considered appropriate.

Access, Car and cycle parking

All new development should accord with highway safety, car parking and cycle standards.

It is acknowledged that the WSCC highways stance in relation to the detail and submission of plans and information has changed since the original permission and the conditional requirements revised.

It is acknowledged that the site has been a building site for a number of years and the access road has not been surfaced or at times useable in terms of its turning facilities due to construction work on site. The access and turning areas as submitted as part of this application is largely in line with the layout approved in 2013.

The LHA has not raised concerns to the additional dwelling on highway safety and requested condition for parking and construction management.

With regard to the amount of vehicle parking, the development site lies within Parking Behaviour Zone (PBZ) 2 which requires 2 vehicle parking spaces per dwelling which the applicant proposes to provide. Safe and secure cycle parking provision can be accommodated within the curtilage of each dwelling.

Matters in relation to S278 agreement under the Highways Act will be dealt with by WSCC highways.

Drainage

The drainage engineer has raised no objections on surface water grounds. They note that insufficient information has been provided regarding infiltration rates and groundwater monitoring. They request conditions to provide detailed surface water drainage scheme prior to commencement and dwellings not to be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved. They have also requested details of foul sewerage which can be conditioned.

Southern Water have also requested further details including landscaping which can be conditioned.

Site condition, Landscaping and Trees

The site has been a working building site for a number of years, the original 'The Drive' chalet is still in place although it was conditioned to be demolished on occupation of approved plots. Several of the dwellings on site are occupied. Its removal is subject to enforcement action and prosecution. 3 of the plots are occupied as well as 'Raddisson' 77 Mill Lane all of which are within the small estate. The occupied dwellings are to the south and west of the site. The north of the site to which this application relates is to the north. This area of land has been used for building materials and tools, storage and soil, the site is partly overgrown and the access road is relatively unmade.

There are TPO trees on the current application site along the access road to Mill Lane. The impacts on these trees have been considered under previous applications and this application does not propose changes which would have additional impact on the RPA of these trees. Some other trees were consented to be taken out within the footprint zones of the dwellings approved under application AWDM/0615/13.

Local Plan Policy DM19 – Green Infrastructure, requires that, *'In all new developments there should be no net loss of trees and any trees removed should, where practical and appropriate, be replaced on a greater than 1:1 basis to support levels of canopy cover and contribute to biodiversity net gain'.*

The application does not include a formal landscaping plan, although indicative planting is shown to the north, east and western boundaries of the site with further hedging and landscaping to the frontage of the proposed plots. The proposed hedging and tree planting is detailed within the BNG assessment. A detailed landscaping scheme would be required to be submitted prior to commencement and would be dealt with by condition. The trees and hedging also count towards the BNG calculation.

Sustainable Development

Policy DM16 of the Worthing Local Plan states that all new build housing should achieve a minimum 20% CO2 reduction compared to Part L of the Building Regulations (2013) through energy efficiency measures. In addition, all new build housing should seek to achieve an Energy Performance Certificate A rating (with a minimum expectation of B rating).

No details have been provided of how the required level of carbon reduction would be achieved. However, this could be dealt with by a condition requiring submission of SAP calculation reports at design and build stages, and submission of a minimum B-rating EPC on completion.

Policy DM17 of Worthing Local Plan states that all new housing should incorporate renewable and low carbon energy production equipment to meet at least 10% of predicted total energy requirements (after CO2 reductions from energy efficiency measures). Again, no details have been provided of the renewable/low carbon energy production equipment necessary to achieve the required 10% of predicted energy needs. This could take the form of solar PVs on the roofslopes of the new dwellings, or ASHPs, either of which would

be acceptable in principle. Precise details should be submitted and agreed as a condition of planning permission.

Biodiversity net gain

Policy DM18 requires all new development to provide a minimum 10% net gain for biodiversity – where possible on site. A minimum 10% BNG is mandatory for small sites since April 2024.

The application is accompanied by a Biodiversity Net Gain Assessment and Biodiversity Metric carried out by 'Imprint Ecology'.

The application site as it currently stands and assessed under BNG indicates that it comprises a single residential dwelling with vegetated garden, ornamental planting, and areas of gravel driveway. The assessment indicates that as the site consists of residential garden land, it does not meet the definition of Previously Developed Land (PDL) as set out in the National Planning Policy Framework (NPPF). While the existing house and associated structures are being demolished as part of the proposed development, the assessment indicates that the primary land use remains 'residential garden', which they indicate is explicitly excluded from the definition of PDL. Therefore, the 20% biodiversity net gain target required for developments on previously developed land under Policy DM18 of the Worthing Local Plan does not apply.

A minimum 10% biodiversity net gain will be delivered in accordance with statutory requirements and local policy: -

Site Description

The site is located in Worthing, West Sussex, and covers approximately 0.2 hectares (ha). It comprises a single residential dwelling with small sheds, within a large, vegetated garden. The garden includes areas of introduced shrubs, ornamental hedging, a gravel driveway, and a small number of trees.

The compacted gravel driveway provides vehicle access from the main road to the dwelling. Surface is well trodden and lacks any vegetation growth. It connects to areas of hardstanding around the dwelling

The current dwelling 'the Drive' is in the centre-west of the site, surrounded by hardstanding, including paved paths and patio areas. These features are constructed of impermeable materials and provide no habitat value.

The garden comprises ornamental and managed habitats, including introduced shrubs, small trees, and areas that formerly supported amenity lawn, now largely cleared. Despite the varied structure, all features fall within a single habitat parcel classified as vegetated garden.

Small trees located within the private garden habitat parcel are not included as separate features within the metric, in line with current guidance in the Biodiversity Metric User Guide.

An area of bare, compacted soil has developed along the verge of the driveway. This strip appears to have been built up over time due to vehicle use or construction activities. It lacks vegetation due to soil compaction and disturbance, offering no biodiversity value in its current state.

1 medium tree within the garden, 1 medium tree on the driveway, 1 small tree on the driveway verge to be retained

There are also existing hedgerows on site one to the eastern boundary of the existing garden and consists of privet. Along the back (northern) boundary partially removed and comprises mainly leylandii and cotoneaster and a small, dense, linear stand of cherry laurel located at the far eastern entrance to the site, adjacent to the driveway.

Proposed Habitats On-site

Modified grassland will be established on verges and shared green spaces, targeting moderate condition. These areas will be communally managed and not managed by the private homeowners of the properties, whose gardens are provided at the rear.

A shade-tolerant species-rich seed mix, such as the Emorsgate's EL1 (Flowering Lawn Mixture) or a bespoke mix containing both grasses and flowering forbs suited to partial shade will be used. The grassland will be lightly managed through occasional mowing (no more than once every 4 to 6 weeks during the growing season), and cuttings will be removed to prevent nutrient build-up. This will help encourage floral diversity and suppress dominance by coarse grasses.

Six native trees will be planted within the new grassland areas to enhance structural diversity and provide seasonal foraging opportunities for birds and invertebrates. Trees will be native to the UK and selected to provide fruit, berries or catkins. Example species include:

- *Crab apple*
- *Rowan*
- *Hawthorn*
- *Wild cherry*
- *Bird cherry*
- *Silver birch*

Tree planting will follow best practice guidance, with suitable root protection, mulching, and watering during establishment. Trees will be planted at suitable distances from dwellings to allow space for mature canopy spread and avoid future conflict

Proposed Hedgerows On-site

A new 21-metre native hedgerow will be planted along the northern side of the driveway. It is initially expected to meet the criteria for poor condition, however, with appropriate species selection and management, it has the potential to achieve moderate condition

A second new 12-metre native hedgerow will be planted near proposed house no. 3.

Both hedgerows to be planted on-site will be a mix of native woody species.

The requirement for BNG will be secured by condition.

Conclusion

The development will deliver a 10.91% net gain in Habitat Units and 26.00% in Hedgerow Units, meeting all BNG trading rules. Gains will be achieved through the creation of modified grassland, planting of six native trees, and two native hedgerows, with all habitats established and managed in line with metric guidance.

The planting is considered to be a suitable mix and will be conditioned to be provided and maintained.

CIL

A CIL contribution will be required.

Recommendation

APPROVE subject to Conditions:-

1.Plans
2.Standard 3 year time
3. Details of materials to be submitted
4. FFL and Ground levels
5. Hard Landscaping and fencing
6. Landscaping
7. BNG
8. 30 habitat MP
9. Pd withdrawn
10. Removal of ‘The Drive’
11. Access road, turning areas and parking
12. Cycle Parking
13. Site setup
14. CMP
15. Hours of working
16. SW drainage scheme
17. Maintenance and management of SW drainage
18. Landscaping to SW
19. Sewerage and surface water

20. Waste recycling
21. No additional windows
22. Dust
23. Sustainability measures
24. Obscure glazed window to plot 1

Informative

1. Application approved following revisions
2. Southern Water Sewer connection
3. New address
4. CIL liable

Is recommendation contrary to letter(s) of representation? Y

Case Officer: Jackie Fox Date: 12.11.25

Authorised by: Louise Prew Date: 12/11/2025