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When calling, please ask for Mr. H. Barnes-Moss
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My Reference: HBMP 2008
Your Reference:

Mr. P. Daniels
14 Knightsbridge House
Marine Parade
WORTHING
BN11 3PP

Dear Mr. Daniels

4 November 2008

Town and Country Planning Act 1990
Air Conditioning Units on roof of Marks & Spencer, 51 – 59 Montague Street, Worthing

I refer to your letter of 4 October 2008 relating to the above.

I would advise you that the following matters are confirmed:

1. That the agreed maximum noise level of 45 dB(A), measured at the site boundary, for the air conditioning units shown in Application WB/08/0201/FULL, have not been exceeded. This was verified by Nathaniel Lichfield & Partners on 18 September 2008, when the equipment's noise level was measured; and the AHU1 and AHU2 units, as far as this Department is aware, is operating in accordance Condition 2 of the planning permission.

2. The hours of operation of the air conditioning units cannot be controlled under the above Act. The reason for this is that the retail use of the building, dating from 1975, when the building was extended to the Seafront, contains no restrictions under which the Council may control, under Planning legislation, the frequency and times of operation of the retail shop or any servicing activities in association with it that occur.

3. The Council has powers under the Environmental Protection Act to control noise levels arising from the installation of equipment, both inside and outside a building, where it gives rise to regular noise nuisance or disturbances.

   If you are experiencing problems of noise from any equipment at this site, please contact the Executive Head (Health, Housing and Community Safety).

4. The extra roof plant to which you refer has not been granted planning permission, and did not form part of Application WB/08/0201/FULL.

   This matter has been taken up with the applicant's agents, Nathaniel Lichfield & Partners. A retrospective application for planning permission is likely to be made (as,

failing that, the Council would be obliged to consider taking enforcement action under the above Act). Upon receipt of this, you will be informed of the details of the application, on which you would be able to comment further, should you so wish, before the Council considered it.

A formal reply will be sent to you upon our further investigations into your enquiry.

Yours sincerely

[redacted]

H. Barnes-Moss
Senior Planning Officer