WORTHING BOROUGH COUNCIL

Mr Zalman Hanovitch
EA Town Planning Ltd
16 Francklyn Gardens
Edgware
London
HA8 8RY

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/0172/24

Details of Development
CONSTRUCTION OF TWO ADDITIONAL FLOORS TO PROVIDE 8NO. RESIDENTIAL DWELLINGS ABOVE EASTERN SECTION OF ROOF AT 31-35 MONTAGUE STREET.

Location of Development
OCEANVIEW HEIGHTS 15 MONTAGUE PLACE WORTHING WEST SUSSEX

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 26th March 2024.

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

G Peck

Gary Peck
Planning Services Manager
29/05/2024

Worthing Borough Council, Development Management, Economy Directorate,
Portland House, 44 Richmond Road, Worthing, West Sussex, BN11 1HS
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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
HERITAGE STATEMENT	April 2024	15.04.2024
DESIGN & ACCESS STATEMENT		26.03.2024
LOCATION PLAN	1:1250	26.03.2024
BLOCK PLAN AS PROPOSED	1425 55 A	26.03.2024
AS EXISTING ELEVATIONS	1425 56 B	26.03.2024
AS EXISTING ELEVATIONS	1425 57 B	26.03.2024
GROUND AS PROPOSED	1425 80	26.03.2024
FIRST AS PROPOSED	1425 81	26.03.2024
SECOND AS PROPOSED	1425 82 A	26.03.2024
THIRD AS PROPOSED	1425 83 A	26.03.2024
ROOF AS PROPOSED	1425 84	26.03.2024
BLOCK PLAN AS PROPOSED	1425 85	26.03.2024
AS EXISTING ELEVATIONS	1425 86	26.03.2024
EXISTING ELEVATIONS (EAST)	1425 87	26.03.2024
AS PROPOSED ELEVATIONS	1425 88	26.03.2024
AS PROPOSED ELEVATIONS (EAST)	1425 89	26.03.2024
ELEVATIONS SHEET 1	DAT/9.7	26.03.2024
ELEVATIONS SHEET 2	DAT/9.8	26.03.2024
ELEVATIONS SHEET 3	DAT/9.9	26.03.2024
GROUND FLOOR PLAN	DAT/9.2	26.03.2024

Reference/Drawing Number	Version	Date Rec
FIRST FLOOR PLAN	DAT/9.3	26.03.2024
SECOND FLOOR PLAN	DAT/9.4	26.03.2024
ROOF PLAN	DAT/9.6	26.03.2024
MECHANICAL SERVICES EXXTG LAYOUT & SCHEMATIC	VES-XX-XX-M-5701 P01	26.03.2024
ILLUSTRATIVE DRAWINGS	Images 80-83	26.03.2024

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

02. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

03. No development shall be carried out unless and until a schedule of materials and finishes to be used for the external walls (including windows and doors) and roof of the proposed building has been submitted to and approved in writing by the Local Planning Authority. These details should include consideration of sustainability measures to be undertaken and the development shall be completed in accordance with the approved schedule.

Reason: *In the interests of visual amenity and sustainability in accordance with policies DM5 and DM16 of the Local Plan.*

04. Prior to the commencement of the development hereby approved, details of the proposed ventilation and acoustic protection measures shall be submitted to and approved by the Local Planning Authority and the approved details maintained thereafter.

Reason: *To ensure adequate ventilation and acoustic protection measures for the proposed residential units.*

05. 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 the following details as a minimum:

- the anticipated number, frequency and types of vehicles used during construction;
- the method of access and routing of vehicles during construction;
- 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;
- 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);
- details of public engagement both prior to and during construction works.

Reason: *In the interests of highway safety and the amenities of the area.*

06. Prior to the commencement of development, a management plan indicating the amount of biodiversity net gain shall be submitted to and approved by the Local Planning Authority and the approved details maintained thereafter.

Reason: *To ensure that biodiversity net gain is achieved in accordance with policy DM18 of the Worthing Local Plan.*

07. Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. 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. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: *To ensure the provision of a satisfactory drainage scheme.*

08. 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 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: *In the interest of neighbouring residential amenity.*

09. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (submitted under reference AWDM/0856/23 dated June 2023) and the development shall incorporate the flood resilient design measures as set out in the FRA. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: *To adequately prevent the development from flood risk.*

10. No development shall be occupied until details of secure covered cycle parking have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first occupation of the development hereby permitted and shall be retained for such use at all times thereafter.

    Reason: *To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.*

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

    Reason: *To ensure the satisfactory means of foul and surface water sewerage disposal.*

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. 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.

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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://www.gov.uk/appeal-planning-decision.

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 in relation to the same, or substantially the same, development as in the planning application no earlier than 2 years before the date the application was made, the period for receiving a planning appeal is within 28 days of the date on the planning application decision notice or of the date by which the LPA should have decided the application.

However, the LPA may formally decline to determine a retrospective planning application for permission for any development contained within a pre-existing enforcement notice served on or after 6 April 2012, where that notice was issued before the application was received by the LPA (see above). There is no right to make a planning appeal in such circumstances.

Where an enforcement notice was served in relation to the same, or substantially the same, development after the decision notice on the application was issued or after the end of the period the LPA had to determine the application, the period for receiving a planning appeal is within 28 days of the date the enforcement notice was served (unless this would extend the period beyond the normal 12 weeks or 6 months deadline).