WORTHING BOROUGH COUNCIL

Stickland Wright Ltd
23 Vine Street
Brighton
BN1 4AG

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/1489/23

Details of Development
APPLICATION FOR CONVERSION OF FIRST AND SECOND FLOORS FROM COMMERCIAL CLASS E INTO ONE THREE-BEDROOM FLAT (CLASS C3) AND ONE FOUR-BEDROOM FLAT WHICH INCLUDES THE ROOF VOID (CLASS C3) WITH CYCLE STORAGE AND SCREEN FENCING TO FIRST-FLOOR REAR TERRACE (AMENDED DESCRIPTION).

Location of Development
106 - 108 GEORGE V AVENUE WORTHING WEST SUSSEX BN11 5RS

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 30th October 2023.

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
08/01/2024

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
LOCATION PLAN	23023_P3_001	30.10.2023
BLOCK PLAN	23023_P3_002 B	30.10.2023
EXTG ELEVATIONS	23023_P3_010	30.10.2023
EXTG PLANS	23023_P3_011	30.10.2023
PROPOSED 2ND, 3RD & ROOF PLAN	23023_P3_101 A	07.12.2023
PROPOSED ELEVATIONS	23023_P3_110 B	07.12.2023
PROPOSED GROUND & 1ST FLOOR PLANS	23023_P3_100 C	11.12.2023

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. The screen fencing to the first-floor rear terrace shown on the approved drawings shall be implemented prior to first occupation of the development hereby permitted and shall thereafter be permanently retained.

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

04. No part of the development shall be first occupied until the covered and secure cycle storage spaces shown on the approved drawings has been provided and shall thereafter be retained.

Reason: *To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.*

05. Works to implement the development hereby permitted shall not commence unless and until an insulation scheme for protecting the upper floor residential units from noise has been submitted to and approved by the local planning authority. The scheme shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB) for all floors. The approved scheme shall thereafter be implemented and before any residential unit is first occupied a test shall be undertaken and the results submitted to the local planning authority to demonstrate compliance.

Reason: *To protect the amenities the future residential occupiers from noise and to safeguard the viability of the ground-floor commercial units in accordance with policies SP3 and DM13 of the Worthing Local Plan.*

06. Works to implement the development shall not commence until a scheme for protecting the proposed noise sensitive development from external noise has been submitted to and approved by the local planning authority. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall have regard to the principles contained within the World Health Organisation community noise guidelines and achieve the recommended indoor and outdoor ambient noise levels for dwellings specified in BS8233:2014. The scheme should include full details of glazing and a strategy to prevent overheating. The noise level of any ventilation units when in use should not exceed the levels specified in BS8233:2014 and all duct work should be fitted on anti-vibration mounts. Following approval and completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential unit from noise.
Reason: *In accordance with policies SP3 and DM22 of the Worthing Local Plan and because the proposed development is within an area which has been identified by DEFRA as an area of increased road noise.*

07. A specification for the proposed solar PV array and an energy statement demonstrating that at least 10% of the predicted total energy requirements of the proposed development (after CO2 reductions from energy efficiency measures) will be met by renewable and low carbon energy production equipment shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the agreed specification and renewable and low carbon energy production equipment shall be implemented prior to first occupation of the development.

Reason: *To maximise and promote renewable and low carbon energy development and deliver reductions in carbon emissions from heating and hot water for development in accordance with policy DM17 of the Worthing Local Plan.*

08. No work for the implementation of the development hereby permitted shall be undertaken on the site except between the hours of 08.00 and 18.00 on Monday to Friday and between the hours of 09.00 and 13.00 on Saturdays. No work shall take place on Sundays or on Bank or Public Holidays. Any temporary exception to these working hours shall be agreed in writing by the Local Planning Authority

at least five days in advance of works commencing. The contractor shall notify the local residents in writing at least three days before any such works.

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

Informatives / Notes to Applicant

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

03. The proposed third floor room of the property (Room 4) is shown with roof lights. Windows should be wide enough to provide for a reasonable view of the immediate surroundings and sills in living areas should be low enough to allow a seated person a reasonable view. Where there is no outlook, for example where an occupant could only see the sky or a wall, then this can lead to a feeling of isolation. This is particularly important where occupants can be expected to spend a high proportion of time in the room, as is common with houses in multiple occupation.

04. Southern Water

Southern Water requires a formal application for a connection to (i) the public water main, and (ii) the public foul sewer, to be made by the applicant or developer.

The applicant is advised to contact Southern Water Developer Services, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel 0330 303 0119) or www.southernwater.co.uk or email developerservices@southernwater.co.uk

It is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to contact Southern Water Developer Services, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel 0330 303 0119) or www.southernwater.co.uk or email developerservices@southernwater.co.uk

05. 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).