WORTHING BOROUGH COUNCIL

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PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (AMENDMENT) (ENGLAND) ORDER 2015
Schedule 2, Part 3 Class MA

APPLICATION NUMBER: NOTICE/0009/24

Details of Development
APPLICATION FOR PERMITTED DEVELOPMENT FOR PRIOR APPROVAL FOR CHANGE OF SECOND FLOOR FROM CLASS E TO 11 RESIDENTIAL UNITS (CLASS C3) (PART GROUND AND FIRST FLOORS FOR ACCESS ONLY)

Location of Development
56 MONTAGUE STREET WORTHING WEST SUSSEX

In pursuance of their powers under the above-mentioned Act and Order the Council hereby notify that PRIOR APPROVAL IS REQUIRED for the above development from the Local Planning Authority and hereby GRANTED, in accordance with the application and information registered on 24th May 2024.

This is subject to compliance with the conditions specified overleaf.

G Peck

Gary Peck
Planning Services Manager
18/07/2024

Worthing Borough Council, Development Management, Economy Directorate,
Portland House, 44 Richmond Road, Worthing, West Sussex, BN11 1HS
Tel: 01903 221065 Email: planning@adur-worthing.gov.uk
Web: www.adur-worthing.gov.uk

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
EXISTING GROUND FLOOR PLAN	21.1242/003 D	24.05.2024
EXISTING 1ST FLOOR PLAN	21.1242/004 B	24.05.2024
EXISTING 2ND FLOOR PLAN	21.1242/005 B	24.05.2024
EXISTING NORTH & SOUTH ELEVATIONS	21.1242/007 C	24.05.2024
EXISTING SECTION	21.1242/008 B	24.05.2024
EXISTING EAST & WEST ELEVATIONS	21.1242/009 B	24.05.2024
EXISTING SECTIONAL SOUTH ELEVATION	21.1242/010 C	24.05.2024
APPROVED NORTH & SECTIONAL SOUTH ELEVATIONS	21.1242/052 E	24.05.2024
APPROVED EAST & WEST ELEVATIONS	21.1242/053 E	24.05.2024
INTERNAL DAYLIGHT & SUNLIGHT REPORT	V1 3650	24.05.2024
APPROVED SOUTH ELEVATION	21.1242/059 D	24.05.2024
LOCATION & BLOCK PLANS	21.1242/140	24.05.2024
PROPOSED GROUND FLOOR PLAN	21.1242/141	24.05.2024
PROPOSED FIRST FLOOR PLAN	21.1242/142	24.05.2024
PROPOSED SECOND FLOOR PLAN	21.1242/143 A	24.05.2024
ENVIRONMENTAL NOISE SURVEY & NOISE IMPACT ASSESSMENT	QA23401/NIA	24.05.2024
FRA & DRAINAGE STRATEGY	JME28956MS.FRA_REVB	24.05.2024
TRANSPORT STATEMENT	PC/P23155 TSC	24.05.2024

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

02. Prior to occupation of any residential unit, the refuse and recycling storage and cycle storage as shown on the approved plans and within the Transport Statement shall be implemented in full. The storage shall thereafter be retained for the lifetime of the development.

Reason: *In the interests of amenity and to comply with the West Sussex Waste Local Plan and the West Sussex Parking Standards.*

03. Prior to the first use of the development a Flood Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority. The Flood Evacuation Plan should be created in line with 'Flood risk emergency plans for new development' as produced by ADEPT and EA and demonstrate safe access and egress in accordance with NPPF. The development shall thereafter be managed in accordance with the details thus approved for the lifetime of the development.

Reason: *To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policies of Worthing Borough Council.*

04. The residential units hereby approved shall not be occupied unless and until a scheme has been submitted to and approved by the local planning authority which implements the mitigation measures proposed in paragraph 9.0 of the Noise Impact Assessment by Quantum Acoustics dated 23 April 2024. All works, which form part of the scheme, shall be completed before any part of this noise sensitive unit is occupied. The scheme shall achieve the indoor ambient noise levels for dwellings specified in BS8233:2014. Following approval and completion of the scheme, a test shall be undertaken to demonstrate that the mitigation measures in the scheme achieve the design criteria and protect the residential units from noise.

Reason: *To ensure the impact on the future occupiers is not of a unacceptable level in accordance with Policy DM5 of the Worthing Local Plan.*

05. The sound insulation of the floor/ceiling between the ground and first floor shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB). On completion of the scheme and before the residential units are occupied a test shall be undertaken to demonstrate compliance with this level with the test results submitted to the Local Planning Authority for approval. Thereafter the sound insulation shall be retained in accordance with the details approved.

Reason: *To ensure the impact on the future occupiers is not of a unacceptable level in accordance with Policy DM5 of the Worthing Local Plan.*

06. The residential units hereby approved shall not be occupied until all the windows approved under planning application AWDM/1329/21 have been installed in full. The windows shall thereafter be retained in accordance with the planning permission for the lifetime of this development.

Reason: *To ensure the provisions of adequate natural light in all habitable rooms.*

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. Southern Water requires a formal application for any new connection to the public sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

In situations where surface water is being considered for discharge to our network, we require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments.

- Reuse
- Infiltration
- Watercourse
- Storm Sewer
- Combined Sewer

Guidance on Building Regulations is here:
gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119). Website: southernwater.co.uk
or by email at: SouthernWaterPlanning@southernwater.co.uk

03. 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

04. Please note there are LV underground cables on the site running within close proximity to the proposed development. Prior to commencement of work accurate records should be obtained from our Plan Provision Department at UK Power Networks, Fore Hamlet, Ipswich, IP3 8AA.

All works should be undertaken with due regard to Health & Safety Guidance notes HS(G)47 (Avoiding Danger from Underground services). This document is available from local HSE office.

Should any diversion works be necessary as a result of the development then enquiries should be made to our Customer Connections department. The address is UK Power Networks, Metropolitan house, Darkes Lane, Potters Bar, Herts, EN6 1AG.

You can also find support and application forms on our website Moving electricity supplies or equipment | UK Power Networks.

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/planningpolicy/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, and you want to appeal, then you must do so within 12 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://acp.planninginspectorate.gov.uk.

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 on the same, or substantially the same, development as in the householder application within 2 years of the date the application was made, the period for receiving an appeal is within 28 days of the date on the decision notice or of the date by which the LPA should have decided the application. Where an enforcement notice was served after the decision notice was issued or after the end of the period the LPA had to determine the application, the period for receiving an appeal is within 28 days of the date the enforcement notice was served (unless this extends the normal 12 weeks deadline).