WORTHING BOROUGH COUNCIL

Mr Haydn Jones
Saville Jones Architects
74 Victoria Road
Worthing
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United Kingdom

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/1647/23

Details of Development
CHANGE OF USE OF PART OF THE SECOND FLOOR RESTAURANT AND OFFICES TO CREATE 8NO. RESIDENTIAL UNITS TOGETHER WITH REPLACEMENT ALUMINIUM WINDOWS TO NORTH, SOUTH AND EAST ELEVATIONS.

Location of Development
45A CHAPEL ROAD WORTHING WEST SUSSEX BN11 1EG

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 29th November 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
25/01/2024

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
NOISE ASSESSMENT	5870_001R_2-0_WR	29.11.2023
HERITAGE & DESIGN STATEMENT		29.11.2023
EXISTING LOCATION & BLOCK PLAN	SK01	29.11.2023
EXISTING BASEMENT & GROUND FLOOR PLAN	SK02	29.11.2023
EXISTING FIRST & SECOND FLOOR PLAN	SK03	29.11.2023
EXISTING ROOF PLAN	SK04	29.11.2023
EXISTING ELEVATIONS SHEET 1 OF 2	SK05	29.11.2023
EXISTING ELEVATIONS SHEET 2 OF 2	SK06	29.11.2023
EXISTING SECTIONS	SK07	29.11.2023
PROPOSED LOCATION & BLOCK PLAN	SK08	29.11.2023
PROPOSED BASEMENT & GROUND FLOOR PLAN	SK09	29.11.2023
PROPOSED ROOF PLAN	SK11	29.11.2023
PROPOSED SECTIONS	SK14	29.11.2023
PROPOSED FIRST AND SECOND FLOOR PLAN	SK10 A	19.01.2024
ELEVATIONS AS PROPOSED - SHEET 1 OF 2	SK12 A	19.01.2024
ELEVATIONIS AS PROPOSED - SHEET 2 OF 2	SK13 A	19.01.2024

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. Prior to the commencement of works to implement the development hereby permitted, scaled drawings and sections at a scale not less than 1:10 indicating the colour, detailed design and proportions, frame thickness, profiles, and opening method of the proposed PPC aluminium windows with clear glass, PPC aluminium insulated panels and insulated panels faced with opaque glass, shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall only be carried out in accordance with the agreed window details.

Reason: *In the interests of visual amenity and to ensure a satisfactory appearance in accordance with policy DM5 of the Worthing Local Plan.*

04. Works for implementing the development shall not commence until a scheme for protecting the proposed noise sensitive development from external commercial and traffic noise and an associated strategy for ventilation to prevent overheating has been submitted to and approved in writing by the local planning authority. The scheme shall achieve the indoor ambient noise levels for dwellings specified in the submitted Noise Assessment by Anderson Acoustic. The scheme should include full details of the sound reduction performance of the proposed glazing and an MVHR system (system 4) to all units. 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. Air intake for the MVHR shall not be placed on the eastern facade of the building. Following approval of the scheme and prior to first occupation of any dwelling unit, a test shall be undertaken and the results submitted to the local planning authority to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential units from noise.

Reason: *To protect future occupiers from noise disturbance in accordance with The National Planning Policy Framework and Policy DM22 of the Worthing Local Plan.*

05. Sound insulation of the floor/ceiling between the first floor commercial unit and the proposed residential dwellings shall be undertaken to achieve a minimum airborne sound insulation value of 55dB (DnTw + Ctr dB). Before any residential unit is first occupied a test shall be undertaken and the results submitted to the local planning authority to demonstrate compliance with this level.

Reason: *To protect future occupiers from noise disturbance in accordance with The National Planning Policy Framework and Policy DM22 of the Worthing Local Plan.*

06. Prior to commencement of development works details of the specification and siting of the proposed Air Source Heat Pumps (ASHPs) together with an associated noise assessment shall be submitted to the local planning authority for approval. This report shall show that the installation of the heat pumps complies with the Chartered Institute of Environmental Health and Institute of Acoustics guidance "Heat Pumps, Professional Advice Notice." The agreed ASHPs shall be implemented prior to first occupation of the dwellings and noise monitoring undertaken with the results

submitted to the local planning authority within 3 months of installation to demonstrate that the agreed rating level is not exceeded.

Reason: *In the interests of safeguarding residential amenity and to accord with policy DM22 of the Worthing Local Plan.*

07. The secure, covered cycle parking shown on the approved ground floor plan SK09 shall be provided prior to commencement of use of the dwellings hereby approved and shall thereafter be retained permanently solely for such purposes.

Reason: *To encourage and provide for a sustainable non-car mode of transport in compliance with the National Planning Policy Framework and policy DM15 of the Worthing Local Plan.*

08. The bin storage provision shown on the approved ground floor plan SK09 shall be provided prior to commencement of use of the dwellings hereby approved and shall thereafter be retained permanently solely for such purposes.

Reason: *In the interest of hygiene and the environment and to comply with Policy DM15 of the Worthing Local Plan.*

09. No works to implement the development shall take place, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The development, including works of demolition, shall be carried out in accordance with the approved Management Plan and shall be adhered to throughout the construction period. The Plan shall provide for:-

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

Reason: *In the interests of highway safety and the environment in accordance with policy DM22 of the Worthing Local Plan.*

10. 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.

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

11. Prior to the commencement of works to implement the development hereby permitted, scaled drawings and sections at a scale not less than 1:10 indicating the amount, layout, siting, design, technical specification and fixings of the proposed solar PV array on the roof(s) of the building shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall only be carried out in accordance with the agreed details.

    Reason: *In the interests of visual amenity and to safeguard the character and appearance of the conservation area in accordance with policies DM5 and DM24 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. Southern Water

    The existing building lies over an existing public foul sewer. If the works to be carried out will alter the existing foundation line or depth or the structural load applied on the sewer it will be necessary for the applicant to contact Southern Water.

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

    It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership 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

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

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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).