WORTHING BOROUGH COUNCIL

Mr Sam Sykes
ECE Planning Limited
64-68 Brighton Road
Worthing
BN11 2EN

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/0083/24

Details of Development
ORIGINAL DESCRIPTION AWDM/1459/21 (AS AMENDED BY AWDM/1446/23): FULL PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING STRUCTURES, PARTIAL REMOVAL OF BOUNDARY WALLS AND THE CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT SPREAD ACROSS 5 BLOCKS WITH ASSOCIATED ACCESS, PARKING, OPEN SPACE AND LANDSCAPING

APPLICATION TO VARY CONDITIONS INCLUDING: CONDITION 1 (APPROVED PLANS); CONDITIONS 17 & 20 (FOUL & SURFACE WATER DRAINAGE); CONDITION 21 (ENERGY STRATEGY); CONDITION 22 (LANDSCAPE); CONDITION 25 (BALCONY SCREENS); AND CONDITIONS 31 & 33 (NOISE).

THE CHANGES INCLUDE AN ADDITIONAL (EIGHTH) STOREY TO BLOCK B BUT BROADLY WITHIN THE APPROVED MASSING ENVELOPE AND INCLUDING A REDUCTION OF BUILDING HEIGHTS, ACCOMMODATING AN ADDITIONAL 19 DWELLINGS.

Location of Development
LAND AT FORMER GAS WORKS SITE PARK ROAD 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 24th January 2024.

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

GPeck

Gary Peck - Planning Services Manager
11/06/2024

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
ECOLOGICAL IMPACT ASSESSMENT	-ECO-REP-001-03-EcIA	24.01.2024
BIODIVERSITY NET GAIN ASSESSMENT	-ECO-REP-002-02-BNG	24.01.2024
LANDSCAPE MASTERPLAN	-LAN-DWG-010 Rev 02	24.01.2024
LANDSCAPE DESIGN STRATEGY	-LAN-REP-001 Rev 02	24.01.2024
S73 COMPARISON DOCUMENT March 2024 (Parts 1-5)	D.02 Rev G	04.03.2024
LEVEL 00 (GROUND FLOOR) GA PLAN	PL-20 Rev E	04.03.2024
LEVEL 01 (FIRST FLOOR) GA PLAN	PL-21 Rev F	04.03.2024
LEVEL 02 (SECOND FLOOR) GA PLAN	PL-22 Rev F	04.03.2024
LEVEL 03 (THIRD FLOOR) GA PLAN	PL-23 Rev F	04.03.2024
LEVEL 04 (FOURTH FLOOR) GA PLAN	PL-24 Rev F	04.03.2024
LEVEL 05 (FIFTH FLOOR) GA PLAN	PL-25 Rev E	04.03.2024
LEVEL 06 (SIXTH FLOOR) GA PLAN	PL-26 Rev E	04.03.2024
LEVEL 07 (SEVENTH FLOOR) GA PLAN	PL-27 Rev E	04.03.2024
LEVEL 08 ROOF PLAN	PL-28 Rev E	04.03.2024
PROPOSED ELEVATIONS - EAST	PL-40 Rev F	04.03.2024
PROPOSED ELEVATIONS - WEST	PL-41 Rev F	04.03.2024
PROPOSED ELEVATIONS - NORTH 1	PL-42 Rev F	04.03.2024
PROPOSED ELEVATIONS - NORTH 2	PL-43 Rev F	04.03.2024
PROPOSED ELEVATIONS - SOUTH 1	PL-44 Rev F	04.03.2024
PROPOSED ELEVATIONS - SOUTH 2	PL-45 Rev F	04.03.2024
DETAILED ELEVATION STUDY (Block A-B) (1of3)	PL-50 Rev B	24.01.2024

Reference/Drawing Number	Version	Date Rec
DETAILED ELEVATION STUDY (2of3)	PL-51 Rev B	24.01.2024
DETAILED ELEVATION STUDY (3of3)	PL-52 Rev B	24.01.2024
CONSTRUCTION & ENVIRONMENTAL MANAGEMENT PLAN	March 2024 v0.5	26.03.2024
LOCATION PLAN	PL-01 Rev A	24.01.2024
BLOCK PLAN	PL-02 Rev C	24.01.2024
SITE PLAN	PL-03 Rev C	24.01.2024
EXISTING SITE SURVEY	PL-05 Rev A	24.01.2024

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

02. The development hereby permitted shall be begun before 4th October 2025.

Reason: *To adhere to the time limit of the original notice of planning permission AWDM/1459/21 and to comply with Section 91 of the Town and Country Planning Act 1990.*

03. Materials and Detailing

Prior to commencement of any works above slab level the following shall be submitted to and approved in writing by the Local Planning Authority:

i) details and samples of all materials to be used on all external faces of the buildings hereby approved, including windows and doors and roofs, colours and finishes;

ii) large scale drawings (typically 1:20 scale) and cross sections where necessary of details including windows and doors, balconies and balustrades / rails, roof intersections, soffits and eaves, rainwater goods and decorative brickwork and features.

Development shall be carried out only in accordance with the details thereby approved.

Reason: *In the interests of visual amenity, to ensure a high quality appearance and character of development in accordance with policy DM5 of the Worthing Local Plan 2020 - 2036 and the NPPF, 2023.*

04. Access

Unless otherwise approved in writing by the Local Planning Authority no individual dwelling shall be occupied until all vehicular and pedestrian site accesses, (including visibility splays at the vehicular access), and all roads, footpaths and

turning areas serving it, have been completed in accordance with the approved plans and any parking phasing plan which shall have first been approved in writing by the Local Planning Authority. The visibility splays shall be kept permanently free of obstructions to visibility above 0.6m height.

Reason: *In the interests of road safety and amenity and to ensure the provision of associated infrastructure and in accordance with policies DM5 & DM15 of the Worthing Local Plan 2020 - 2036 and the NPPF, 2023.*

05. Parking

Unless otherwise approved in writing by the Local Planning Authority no individual dwelling shall be occupied until the car parking and associated turning space serving it has been provided and marked out in accordance with a parking and manoeuvring phasing plan, including details of marking out of spaces for wheelchair users and car club vehicles, which shall has first been submitted to and approved in writing by the Local Planning Authority. The approved spaces shall thereafter be permanently retained for their identified purposes.

Reason: *In the interests of road safety and amenity and to ensure the provision of associated infrastructure and adequate parking, including provisions for wheelchair users and for sustainable transport in accordance with policies DM5 & DM15 of the Worthing Local Plan 2020 - 2036 and the NPPF, 2023.*

06. Electric Vehicle Charging

Unless agreed otherwise with the Local Planning Authority, parking spaces (provided under condition 5 above), shall include charging points for electric vehicles for all car parking spaces in accordance with Part S of the Building Regulations with details including, location, power rating, charge rate and cabling, which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: *In the interests of sustainable transport in accordance with policies DM15, DM16 & DM22 of the Worthing Local Plan 2020 - 2036 and the NPPF, 2023.*

07. Cycle Parking

Unless otherwise approved in writing by the Local Planning Authority no dwelling shall be occupied until secure cycle parking stores and bin stores has been provided in accordance with the details, including plans, elevations and materials details, including plans, elevations and materials, which shall first be submitted to and approved in writing by the Local Planning Authority. The approved cycle stores and bin stores shall thereafter be provided in accordance with the details thereby approved and retained at all times for their designated purpose.

Reason: *In the interests of sustainable transport and good design in accordance with policies DM5, DM15, DM16 & DM22 of the Worthing Local Plan 2020 - 2036 and the NPPF, 2023.*

08. Travel Plan

Unless otherwise approved in writing by the Local Planning Authority the development shall only be occupied in full accordance with the Travel Plan of December 2023 by Iceni Projects Limited submitted with this application, including all measures, initiatives, funding, monitoring, marketing and communication described in the Travel Plan.

Reason: *In the interests of sustainable transport in accordance with policies DM15, DM16 & DM22 of the Worthing Local Plan 2020 - 2036 and the NPPF, 2023.*

09. Remediation

i) The development hereby approved shall be carried out in accordance with the approved Site Remediation Reports listed below, unless otherwise agreed in writing by the Local Planning Authority:

- Baseline and MNA Assessment dated 21st February 2023 - prepared by Ramboll UK
- Detailed Quantitative Risk Assessment Issue No.02, dated 25th February 2021 - prepared by Ramboll UK
- Ground Contamination Interpretive Report Issue No.02, dated 25th February 2021 - prepared by Ramboll UK
- Non-Technical Summary Memo No. NTN1620013887-03 dated 12th November 2023 - prepared by Ramboll UK
- Preliminary Risk Assessment Issue No.04, dated 17th November 2023 - prepared by Ramboll UK
- Remediation Addendum / Technical Note Issue No.01, dated 17th January 2024 - prepared by Ramboll UK
- Remediation Options Appraisal and Outline Remediation Strategy Issue No.05 , dated 17th January 2024 - prepared by Ramboll UK

The scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

ii) Prior to the occupation of the site (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: *To minimise and manage risks associated with existing site contamination to prevent harm to human health or nuisance and to protect the water environment including groundwater in accordance with policies DM21 & DM22 of the Worthing Local Plan 2020 - 2036 and the NPPF, 2023.*

10. Remediation - Precaution

If during development, contamination not previously identified is found to be present at the site, (for example, asbestos containing material, grossly impacted soils or highly odorous materials, underground tanks or associated pipework), then no further development within that localised area of the site that the contaminated material in question is discovered in shall be carried out until it has been investigated by the developer. The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority as part of the verification reporting associated with Condition 9.

Reason: *To minimise and manage risks associated with existing site contamination to prevent harm to human health or nuisance and to protect the water environment including groundwater in accordance with policies DM21 & DM22 of the Worthing Local Plan 2020 - 2036 and the NPPF, 2023.*

11. Remediation - Odour Management

The development hereby approved shall be carried out in accordance with the approved Odour Management Plan detailed below listed below, unless otherwise agreed in writing by the Local Planning Authority:

Odour Management Plan prepared by Ramboll UK - 1620013887-004 Issue No.02 dated 29th January 2024.

Reason: *To minimise and manage risks associated with existing site contamination to prevent harm to human health or nuisance and to protect the water environment including groundwater in accordance with policies DM21 & DM22 of the Worthing Local Plan 2020 - 2036 and the NPPF, 2023.*

12. Communications Strategy

The development hereby approved shall be carried out in accordance with the approved Communications Strategy detailed below unless otherwise agreed in writing by the Local Planning Authority:

Communications Strategy prepared by Berkeley Ltd. dated March 2024 and submitted to the Local Planning Authority under reference AWDM/0140/24.

Reason: *To ensure effective communication and management of remediation works in the interests of neighbouring amenity and to minimise and manage risks associated with existing site contamination to prevent harm to human health or nuisance and to protect the water environment including groundwater in accordance with policies DM21 & DM22 of the Worthing Local Plan 2020 - 2036 and the NPPF, 2023.*

13. Piling

Piling or deep foundation using penetrative methods shall only be carried out in accordance with a foundation works & groundwater risk assessment which shall first be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details thereby approved.

Reason: *Piling or deep foundation using penetrative methods has the potential to mobilise contamination which could impact on groundwater resources beneath the site, controlled waters are sensitive in this location. To minimise and manage risks associated with existing site contamination to protect the water environment including groundwater and to prevent harm to human health or nuisance and in accordance with policies DM21 & DM22 of the Worthing Local Plan 2020 - 2036 and the NPPF, 2023.*

14. Boreholes

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

Reason: *To manage risk of mobilisation of contamination which could impact on groundwater resources beneath the site, controlled waters are sensitive in this location. To minimise and manage risks associated with existing site contamination to protect the water environment including groundwater and to prevent harm to human health or nuisance and in accordance with policies DM21 & DM22 of the Worthing Local Plan 2020 - 2036 and the NPPF, 2023.*

15. Construction Management Plan

The development hereby approved shall be carried out in accordance with the approved Construction Management Plan detailed below unless otherwise agreed in writing by the Local Planning Authority:

Construction and Environmental Management Plan - Former Gasworks, Park Road, Worthing Version 0.5 prepared by Berkeley Ltd dated March 2024.

Reason: *To minimise and manage risks associated with existing site contamination to prevent harm to human health or nuisance and to protect the*

water environment including groundwater. In the interests of highway safety and the amenities of the area, to minimise traffic generated by the development and noise and pollution during the construction phase in accordance with Policies DM5, & DM15 of the Worthing Local Plan 2020 - 2036 and the NPPF, 2023.

16. Hours of Work

Unless otherwise agreed in writing by the Local Planning Authority, no construction work relating to the development, or operational or construction vehicles, shall be undertaken or operated on the site except between the hours of: 08.00 and 18.00 on Mondays to Friday and between the hours of 09.00 and 13.00 on Saturday and not at any time on Sundays or Public Holidays.

Reason: *In the interests of highway safety and the amenities of the area and a balance between the protection of local and residential amenities and times of development work in accordance with Policies DM5 & DM 15 of the Worthing Local Plan 2020 - 2036 and the NPPF, 2023.*

17. Drainage - Surface Water

With the exception of any demolition and clearance works and remediation 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 be in accordance with the surface water drainage element of the drainage layout in Appendix D of the Flood Risk Assessment (January 2024) prepared by GTA Civils submitted in support of the planning application unless agreed otherwise with the Local Planning Authority. No apartment 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. The scheme shall be implemented as approved and in accordance with any timetable/phasing agreed as part of the approved scheme.

Reason: *To ensure adequate surface water drainage, including sustainable drainage and to ensure that drainage is adequate for the design lifetime and does not increase flood risk elsewhere and to ensure that detailed drainage design does not harm groundwater resources in accordance with Policies DM20 & DM22 of the Worthing Local Plan 2020 - 2036 and the NPPF, 2023.*

18. Drainage - Maintenance

The development shall not be occupied until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: *To ensure adequate surface water drainage, including sustainable drainage and its maintenance, is adequate for the design lifetime and does not increase flood risk elsewhere, in accordance with Policies DM20 & DM22 of the Worthing Local Plan 2020 - 2036 and the NPPF, 2023.*

19. Drainage - As-Built Record

Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the Local Planning Authority with as-built drawings of the implemented scheme together with a completion report prepared by an appropriate qualified engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.

Reason: *To ensure an accurate record of drainage in accordance with Policies DM20 & DM22 of the Worthing Local Plan 2020 - 2036 and the NPPF, 2023.*

20. Foul Drainage

No development (excluding site clearance works) shall take place until details of foul drainage, which shall be in broad accordance with the Flood Risk and Drainage Strategy by GTA Civils, dated January 2024, have been submitted to and approved in writing by the local planning authority in liaison with Southern Water. No dwelling associated shall be occupied until the drainage works have been carried out in accordance with the approved details.

Reason: *To ensure adequate foul water drainage in accordance with Policies DM20 & DM22 of the Worthing Local Plan 2020 - 2036 and the NPPF, 2023.*

21. Energy & Water Efficiency

i) The development hereby approved shall (unless alternatives are agreed in writing by the Local Planning Authority), incorporate sustainable energy and heat management measures, in accordance with the details in the submitted Energy Assessment (Revision V1.4 - dated 17th January 2024). If a feasible and viable connection to the District Heating Network cannot be demonstrated, prior to the commencement of development (excluding demolition, remediation works and groundworks) the Applicant must submit an alternative energy strategy to be approved by the Local Planning Authority in writing.

ii) Written confirmation, including independent professional verification, shall be submitted to and approved in writing by the Local Planning Authority, within 3 months of the first occupation of the development, (or such other time as shall first be agreed in writing by the Local Planning Authority), to confirm that measures have achieved the CO2 reduction targets set out in the Energy Assessment at i) above, or any approved alternative energy strategy, (which shall be not less than 20% C02 reduction compared to

Building Regulations Part L 2013) and that at least 10% of predicted total energy requirements would be met by renewable and low carbon energy sources, and confirming the installation of water good and fixtures to achieve a target of <105L/Person usage/day.

Unless otherwise approved in writing by the Local Planning Authority the verification document shall include proposed and timetabled remedial measures if these targets have not been met and, the remedial measures thereby approved shall be implemented in accordance with that timetable.

Reason: *To ensure CO2 reduction through sustainable construction, renewable energy and to ensure water efficiency provision in accordance with Policies DM16 & DM 17 of the Worthing Local Plan 2020 - 2036 and the NPPF, 2023.*

22. Landscaping

With the exception of any demolition works or works up to slab level, no development shall take place until a detailed timetabled scheme of landscaping in broad accordance with the submitted Landscape Masterplan Lan DWG-010 Rev 02 and Landscape Design Strategy Lan-REP-001 Rev 02, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

i) landscape planting, including species, size and number or planting densities;
ii) detailed measures for the enhancement of biodiversity, including brown roofs;
iii) ground surfacing materials: type, colour, texture and finish;
iv) a maintenance plan to ensure establishment of this detailed scheme of landscaping.

These details and timetable shall be adhered to throughout the course of development works unless otherwise agreed in writing by the Local Planning Authority. All planting, seeding, turfing, biodiversity enhancement measures and ground surfacing comprised in the approved details of landscaping, shall be carried out in accordance with the timetable thereby approved and any vegetation or biodiversity measures or surfacing which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar type, size & species.

Reason: *To enhance the character and appearance and biodiversity value of the site in accordance with Policies DM5, DM7, DM18 & DM19 of the Worthing Local Plan 2020 - 2036 and the NPPF, 2023.*

23. Means Of Enclosure - Details

No block shall be occupied until all boundaries, external enclosures and gates related to that block have been completed in full accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority.

Details of gates shall include provision of access for people with disabilities and details of the southern boundary shall include provisions to manage surface water flow.

Reason: *To ensure appropriate means of enclosure and accessible gateways, in the interests of safety and the amenities of the area and for residual management of surface water in accordance with Policies DM5 & DM 21 of the Worthing Local Plan 2020 - 2036 and the NPPF, 2023.*

24. Means Of Enclosure - Limitation

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any Order revoking or re-enacting that order). No additional means of enclosure shall be erected forward of any part of any façade of the buildings hereby approved facing a public highway, other than those which are shown on the plans hereby approved.

Reason: *In the interests of visual amenity, to ensure a high quality appearance and character of development in accordance with policy DM5 of the Worthing Local Plan 2020 - 2036 and the NPPF, 2023.*

25. Balcony Screens

Blocks A and E shall not be occupied until balcony screens of not less than 1.7m in height have been fitted to the southern face of balconies to apartment nos. A8 & A9 at first floor and A14 & A15 at second floor of Block A and E20 & E21 at first floor; E24 & E25 at second floor and E36 & E37 at third floor of Block E. This will be in accordance with details, including design and degree of obscuration (which shall not be less than Pilkington Level 4 or similar index of obscuration) which have been submitted to and approved in writing by the Local Planning Authority so as to minimise risk of overlooking of neighbours to the south. The screens shall be permanently retained and maintained in accordance with the details thereby approved unless otherwise agreed in writing with the Local Planning Authority.

Reason: *To safeguard neighbouring amenities and privacy in accordance with Policy DM5, of the Worthing Local Plan 2020 - 2036 and the NPPF, 2023.*

26. Roofs - Usage

No part of any roof to blocks A or E shall be used at any time for the purposes of a terrace or balcony without the prior written approval of the Local Planning Authority.

Reason: *To safeguard neighbouring amenities and privacy in accordance with Policy DM5, of the Worthing Local Plan 2020 - 2036 and the NPPF, 2023.*

27. Lighting

No block shall be occupied until all external lighting related to that block (where applicable) has been installed and is operational in accordance with details, including measures to minimise light-pollution, which shall first be submitted to and approved in writing by the Local Planning Authority. Thereafter the external lighting shall be provided and maintained in accordance with the approved scheme. No additional external lighting shall be installed in areas which are visible from outside the site without the prior approval in writing of the Local Planning Authority.

Reason: *In order to provide lighting as part of safe, safe accessible development and to balance lighting needs with the interests of the wider townscape, neighbouring amenities and nature conservation in accordance with Policies DM5, DM 18 & of the Worthing Local Plan 2020 - 2036 and the NPPF, 2023.*

28. Security

Details of secure entrances to buildings, lighting within the site and security for cycle and bin stores shall be submitted to and approved in writing by the Local Planning Authority before the fit out stage of each phase of development. The details thereby approved shall be implemented and fully adhered to in the completion of the relevant phase.

Reason: *In accordance with Policies DM5, DM 15 & of the Worthing Local Plan 2020 - 2036 and the NPPF, 2023.*

29. Accessibility

With the exception of any demolition works, site excavations and remediation, no other development shall commence until a survey and plan of existing and proposed site and slab levels, including provision of access for people with disabilities has been submitted to and approved in writing by the Local Planning Authority. Development shall accord with the details thereby approved and thereafter no other raising of levels shall be carried without the prior written approval of the Local Planning Authority.

Reason: *In the interests of clarity and accessibility and because changes in levels may materially affect the impact of the development and to ensure a well-designed, good quality, accessible development in accordance with policies DM5 & DM16 of the Worthing Local Plan 2020 - 2036 and the NPPF, 2023.*

30. Aerials and Antennae

Prior to the occupation of each individual building, details of any external aerial/antenna and / or satellite dish (if any) for that building, shall first be submitted to and approved by the Local Planning Authority. Thereafter no other external aerial/antenna or satellite dish shall be installed on any building in areas

which are visible from outside the site, unless details have first been submitted to and approved by the Local Planning Authority.

Reason: *To ensure a well-designed, good quality environment in accordance with policies DM5 & DM 16 of the Worthing Local Plan 2020 - 2036 and the NPPF, 2023.*

31. Noise Insulation

Prior to the commencement of development above slab level, details of noise and vibration mitigation, including acoustic glazing and mechanical ventilation and heat recovery systems shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority these details shall accord with the Noise Assessment dated 17th January 2024 (reference: 12586B (NV) V1), submitted with the current application, and shall include any necessary measures to minimise risks of noise and vibration from any lifts or other plant provided as part of the development.

Reason: *To protect residents of the flats and surrounding area from noise and vibration in accordance with Policies DM5, & DM22 of the Worthing Local Plan 2020 - 2036 and the NPPF, 2023.*

32. Noise Insulation - Verification

Unless otherwise approved in writing by the Local Planning Authority no phase of development shall be occupied until all noise mitigation and ventilation approved under condition [31] above has been completed and details of the post implementation independent verification for that phase have been submitted to an approved in writing by the Local Planning Authority to demonstrate that the mitigation and ventilation measures undertaken are effective and protect noise sensitive development from noise & vibration. Any remedial actions arising from this verification testing which are then required by the Local Planning Authority shall also be implemented prior to the occupation of that phase and permanently retained and maintained thereafter.

Reason: *To protect residents of the flats and surrounding area from noise and vibration in accordance with Policies DM5, & DM22 of the Worthing Local Plan 2020 - 2036 and the NPPF, 2023.*

33. Plant & Noise

No external fixed plant, or mechanical vent or duct shall be installed until details have first been submitted to and approved in writing by the Local Planning Authority. Details should demonstrate the rating level of any new plant or machinery will not exceed the Plant Noise Criteria specified in Section 5 of the Noise Assessment dated 17th January 2024 (reference: 12586B (NV) V1), and should include any necessary anti-vibration mountings. All plant shall be maintained in accordance with manufacturer's guidance to ensure the levels contained in the aforementioned Noise Assessment are not exceeded and any future plant shall also meet the specified levels within the approved scheme.

Reason: *To safeguard the residential amenities of the area from noise and vibration in accordance with Policies DM5, & DM22 of the Worthing Local Plan 2020 - 2036 and the NPPF, 2023.*

34. Fire Hydrants & Water Supply

In the event that the need for additional fire hydrants or stored water supply are required as part of the Building Regulations Approval process, the following details shall be submitted:

1. Unless otherwise approved in writing by the Local Planning Authority, prior to the commencement of the development (excluding demolition works, site excavations and remediation), or other such time as may be agreed by the Local Planning Authority, details showing the proposed location and timetable for installation of fire hydrants or stored water supply and their connections to a water feed supply (which is appropriate in terms of both pressure and volume for the purposes of firefighting), shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

2. Unless otherwise approved in writing by the Local Planning Authority, prior to the first occupation of any dwelling forming part of the development the applicant shall install the fire hydrants / water storage and supply approved under a) above in the approved location (s) to BS 750 standards.

Reason: *To safeguard the residential amenities of the area in accordance with Policies DM5 & DM16 of the Worthing Local Plan 2020 - 2036, the NPPF, 2023 and in accordance with The Fire & Rescue Service Act 2004.*

35. Development Limitation

The development hereby permitted shall not exceed 228 units and 8 storeys in height.

Reason: *To control the development in detail and quantum and to accord with the terms of the application.*

36. Sub-Station

Prior to installation of the electricity substation, an acoustic report assessing the impact of the electricity substation on adjacent residents shall be submitted to and approved in writing by the Local Planning Authority. The report shall address the issue of noise and vibration from the station to ensure that the low frequency noise emitted from the substation does not exceed the 'Low Frequency Criterion Curve' for the 10 to 160 Hz third octave bands inside any nearby residential accommodation, as described in the DEFRA funded University of Salford Manchester guidance document entitled 'Procedure for the Assessment of Low Frequency Noise Complaints' (NANR45 Rev.1- December 2011) available from:

https://salford-repository.worktribe.com/output/1443198/a-procedure-for-the-assessment-of-low-frequency-noise-complaints

Thereafter the electricity substation shall be installed and maintained so that it complies with the levels and any mitigation measures specified in the approved acoustic report. After installation of the approved plant, no new plant shall be used without the written consent of the Local Planning Authority. Reason: To protect the amenity of local residents.

Reason: *To safeguard the residential amenities of the area from noise and vibration in accordance with Policies DM5, & DM22 of the Worthing Local Plan 2020 - 2036 and the NPPF, 2023.*

Informatives / Notes to Applicant

01. This planning permission is subject to the s.106 Legal Agreement Deed Of Variation dated 6th June 2024 as a variation of the Agreement of 13th September 2022 concerning provisions and contributions in relation to matters including affordable housing and viability review, air quality, district heating, highway and sustainable transport measures / cycle path and parking, car club, open space and site management.

02. Groundwater monitoring shall be completed over the winter period and at the location and depth of the proposed structures. The drainage design must have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Further detail regarding our requirements are available on the following webpage:
https://www.adurworthing.gov.uk/planning/applications/submit-fees-forms.
A surface water drainage checklist is available on this webpage. This clearly sets out our requirements for avoiding pre-commencement conditions, or to discharge conditions.

03. Advice to Applicant - Pollution Prevention: All precautions must be taken to avoid discharges and spills to the ground both during and after construction. Guidance on pollution prevention for businesses can be found on the gov.uk website here;-
https://www.gov.uk/guidance/pollution-prevention-for-businesses.
In the event of a pollution incident, all works should cease immediately and the Environment Agency should be contacted via our incident hotline 0800 80 70 60 (24- hour service).

04. Works within the Highway - Implementation Team: The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

Temporary directional signs to housing developments (Major apps only 10 units +) The applicant is advised that they must apply and obtain approval from West Sussex County Council as Highway Authority for all temporary directional signs to housing developments that are to be located on the highway. Further details of the process and how to apply are available here: https://www.westsussex.gov.uk/roads-and-travel/information-for-developers/temporary-development-signs/#overview

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.

06. Condition 21 - Energy and District Heating

The applicant is reminded that the Deed of Variation of 6th June, to the legal agreement of 13th September 2022 refers to obligations and provisions relating to connection of the development to Worthing's District Heating Network, which is part of the applicant's Energy Assessment (Revision V1.4 - dated 17th January 2024) referred to in condition 21 (i).

07. 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.

Ref: AWDM/0083/24

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

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://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).