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Our ref: 794-PLN-LSE-00354

Date: 09 October 2024

Head of Planning Services
Worthing Borough Council
Development Management
Portland House
44 Richmond Road
Worthing
West Sussex
BN11 1HS

Dear Sir / Madam,

UNIT 1A, IVY ARCH ROAD, WORTHING
APPLICATION BY BRAVO SERVICES LTD
LAWFUL DEVELOPMENT CERTIFICATE – PROPOSED USE

I am instructed by Bravo Services Ltd to submit to you an application for a Lawful Development Certificate – Proposed Use (LDC) in relation to proposals at Unit 1A Ivy Church Road, Worthing. The application for the LDC seeks confirmation that works undertaken constitute a material operation and that it is possible to complete the works for the construction of storage building (use class B8), including vehicle parking and associated works, in accordance with planning permission ref: AWDM/0655/21, dated 23 September 2021.

I enclose a copy of the following documents which comprise this application:

1. Completed application form
2. Proposed site plan, ref: 15175/2-102B
3. Planning permission, ref: AWDM/0655/21, dated 23 September 2021
4. Discharge of pre-commencement conditions (7, 11, 12, 13 and 15) decision notice, ref: AWDM/0732/24, dated 22 July 2024
5. Discharge of pre-commencement condition (8) decision notice, ref: AWDM/0932/24, dated 13 September 2024
6. Letter from RPS to Worthing BC dated 25 September 2024
7. Proposed services trench plan, ref: 15175/2-155
8. Photographs in connection with the implementation works contained in emails dated 21, 22 and 23 September 2024
9. Invoice from Pace & Wheatley dated 30 September 2024
10. This covering letter

The application fee is £5,616, which will be paid by Planning Portal. This is calculated on the basis of half of the normal planning fee for the proposed works, ie for the construction of a storage building of 1,320 sqm.

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Background

Planning permission was granted by the Borough Council for the construction of a storage building (use class B8), including vehicle parking and associated works on the Boxx Storage site, Unit 1A Ivy Church Road, Worthing on 23 September 2021, ref: AWDM/0655/21. A copy of the planning permission is included as part of the application documentation.

The planning permission has been implemented by way of digging an underground mains / services trench, including laying of an underground pipe. This application for an LDC seeks confirmation that the works constitute a material operation and that as a consequence it is possible to complete the works for the construction of a storage building without the requirement for a further planning permission.

Ground for Lawful Development Certificate

It is considered that it is possible to complete works, subject of the planning permission AWDM/0655/21, dated 23 September 2021 for the following reasons:

1. All pre-commencement conditions, as set out in the September 2021 permission, have been discharged. The decision notices confirming the discharge of the pre-commencement conditions dated 22 July 2024 (ref: AWDM/0732/24) and 13 September 2024 (ref: AWDM/0932/24) are submitted in support of this application. Consequently, the implementation of the planning permission is lawful.

2. Implementation of the planning permission has taken place. The works comprise the digging of an underground mains / services trench 19m in length, including the laying of an underground pipe. The line of the trench is consistent with the development proposals, linking the proposed storage unit to the existing Boxx self storage centre. A plan showing the location of the trench (ref: 15175/2-155) is included with the application. The works are sufficient to represent implementation of the permission, in accordance with Section 56 of the Town and Country Planning Act 1990. The works commenced on 21 September 2024. This date being prior to the deadline for commencement of development of 22 September 2024. Photographs are provided of the works, contained in emails dated 21, 22 and 23 September. In addition, an invoice from contractor, following the completion of this stage of the works dated 30 September 2024 is also enclosed with the application.

3. There are no conditions on the September 2021 planning permission which prevent implementation being carried out in full. Consequently, it can be concluded that the full implementation of the storage building can be carried out without the requirement for a further planning permission.

4. The Borough Council have been put on notice that the implementation has taken place. In this connection, the letter from RPS to the Borough Council dated 25 September 2024 is also submitted in support of this application.

Conclusion

Based on the enclosed information, it is respectfully requested that an LDC should be issued confirming that a material operation has taken place, to enable works to be completed for the storage building, subject of the planning permission dated 23 September 2021, ref: AWDM/0655/21.

Yours faithfully,

[redacted]

Danny Simmonds
Planning Director
simmondsd@rpsgroup.com