WORTHING BOROUGH COUNCIL

MTC Planning and Design Limited
Barn 5a
Sutton Hall Farm
Sutton Maddock
TF11 9NQ

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/1485/23

Details of Development
DEMOLITION OF EXISTING SINGLE-STOREY EAST WING (RETAINING FACADE) AND EXTENSIONS AND ALTERATIONS INVOLVING ERECTION OF 4-STOREY EXTENSION TO THE EAST SIDE OF THE BUILDING TO PROVIDE 18 GUEST ROOMS, NEW RESTAURANT AND IMPROVED AND EXPANDED KITCHEN FACILITIES (INCLUDING KITCHEN EXTRACTION AND FLUE)(AMENDED PLANS)

Location of Development
THE BURLINGTON MARINE PARADE WORTHING WEST SUSSEX BN11 3QL

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 8th 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
07/10/2024

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
PROPOSED FIRST FLOOR PLAN	22/12557/252 G	07.08.2024
PROPOSED REAR ELEVATION	22/12557/260 E	07.08.2024
PROPOSED WEST SIDE ELEVATION	22/12557/259 D	25.07.2024
PROPOSED EAST SIDE ELEVATION	22/12557/267 C	25.07.2024
PROPOSED BLOCK PLAN	22/12557/268 E	25.07.2024
KITCHEN VENT ENCLOSURE DETAILS	22/12557/123 A	25.07.2024
PROPOSED GROUND FLOOR PLAN	22/12557/251 E	25.07.2024
PROPOSED SECOND FLOOR PLAN	22/12557/253 F	25.07.2024
PROPOSED THIRD FLOOR PLAN	22/12557/254 H	25.07.2024
PROPOSED ROOF FLOOR PLAN	22/12557/255 E	25.07.2024
PROPOSED ATTIC FLOOR PLAN	22/12557/256 E	25.07.2024
NOISE IMPACT ASSESSMENT	NP-010704-2 REV 02	06.08.2024
VENTILATION AND EXTRACTION STATEMENT	REV B	28.08.2024
PROPOSED SITE PLAN	22/12557/265 F	04.10.2024
CONSTRUCTION MANAGEMENT PLAN	Rev A	08.11.2023
PROPOSED EXTERNAL MATERIALS	AN. 17/10 CL 22/12/557	08.11.2023
FLAT ROOF DETAILS	PRODUCT BROCHURE	08.11.2023
FLAT ROOF DETAIL PLAN	LTF-001 A	08.11.2023
PLANT ENCLOSURE DETAILS	PRODUCT BROCHURE	08.11.2023

Reference/Drawing Number	Version	Date Rec
LIGHTING PLANS (GRND, 1ST, 2ND & 3RD FLOORS)	D47964/RD/A	08.11.2023
LOCATION PLAN	22/12557/100	08.11.2023
MAIN ENTRANCE DETAILS GEW6	22/12557/102 D	08.11.2023
FRONT ENTRANCE DETAILS GED2	22/12557/103 D	08.11.2023
MAIN ENTRANCE WINDOW DETAILS	22/12557/104 D	08.11.2023
FRONT ELEVATION DETAILS SHEET 1	22/12557/106 D	08.11.2023
FRONT ELEVATION DETAILS SHEET 2	22/12557/107 B	08.11.2023
FRONT ELEVATION DETAILS SHEET 3	22/12557/108 B	08.11.2023
FRONT ELEVATION DETAILS SHEET 4	22/12557/109 B	08.11.2023
FRONT ELEVATION DETAILS SHEET 5	22/12557/110 B	08.11.2023
FRONT ELEVATION DETAILS SHEET 6	22/12557/111 B	08.11.2023
WINDOW/DOOR DETAILS SHEET 1	22/12557/112 B	08.11.2023
WINDOW/DOOR DETAILS SHEET 2	22/12557/113 B	08.11.2023
ROOF DETAILS	22/12557/114 B	08.11.2023
COURTYARD BRIDGE & PRIVACY SCREEN DETAILS	22/12557/115 B	08.11.2023
COURTYARD ROOF LIGHT & GREEN ROOF DETAILS	22/12557/116 B	08.11.2023
ROOF OVERUN DETAILS	22/12557/117 B	08.11.2023
PLANT ENCLOSURE DETAILS	22/12557/118 A	08.11.2023
PROPOSED MATERIAL ELEVATIONS MARK-UP	22/12557/121 D	08.11.2023
SOLAR PANEL DETAILS	22/12557/145 B	08.11.2023
EXTG BASEMENT PLAN	22/12557/201	08.11.2023
EXTG GROUND FLOOR PLAN	22/12557/202	08.11.2023
EXTG FIRST FLOOR PLAN	22/12557/203	08.11.2023
EXTG SECOND FLOOR PLAN	22/12557/204	08.11.2023

Reference/Drawing Number	Version	Date Rec
EXTG THIRD FLOOR PLAN	22/12557/205	08.11.2023
EXTG ATTIC PLAN	22/12557/206	08.11.2023
EXTG FRONT ELEVATION	22/12557/207	08.11.2023
EXTG SIDE ELEVATION FACING WEST	22/12557/208	08.11.2023
EXTG SIDE ELEVATION FACING EAST	22/12557/209	08.11.2023
EXTG REAR ELEVATION FACING NORTH	22/12557/210	08.11.2023
EXTG SECTION	22/12557/211	08.11.2023
PROPOSED LOWER GROUND FLOOR PLAN	22/12557/250 C	08.11.2023
PROPOSED FRONT ELEVATION	22/12557/257 B	08.11.2023
PROPOSED SIDE ELEVATION (FACING EAST)	22/12557/258 B	08.11.2023
PROPOSED SECTION A-A	22/12557/261 B	08.11.2023
PROPOSED SECTION B-B	22/12557/262 B	08.11.2023
PROPOSED SECTION C-C	22/12557/263 B	08.11.2023
PROPOSED SECTION D-D	22/12557/264 B	08.11.2023
PROPOSED SECTION E-E	22/12557/266 B	08.11.2023
DRAINAGE CALCULATIONS January 2024	60998	16.01.2024
DRAINAGE DETAILS SHEET 2 OF 2	60998/12 REV 0	16.01.2024
DRAINAGE LAYOUT	60998/10 REV A	16.01.2024
DRAINAGE DETAILS	60990/11 REV A	16.01.2024
TRAFFIC MANAGEMENT PLAN (CONSTRUCTION)	22/12557/120 D	25.01.2024

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. Unless otherwise agreed in writing by the Local Planning Authority the development hereby permitted shall be carried out in accordance with the submitted schedule of external materials, finishes and colours Ref: AN. 17/10/CL 22/12/557.
Reason: *In the interests of visual amenity and to comply with policy DM5 of the Worthing Local Plan.*

04. (i) Unless otherwise agreed in writing by the Local Planning Authority the development hereby permitted shall be carried out in strict accordance with the following submitted architectural and construction details:-

(a) Main entrance, all external doors and windows including within the courtyard, and the alterations to retained facade as shown on Drg: 22/12557/102 Rev D, 22/12557/103 Rev D, 22/12557/104 Rev D, 22/12557/106 Rev D, 22/12557/107 Rev B, 22/12557/108 Rev B, 22/12557/109 Rev B, 22/12557/110 Rev B, 22/12557/111 Rev B, 22/12557/112 Rev B, 22/12557/113 Rev B;

(b) Courtyard rooflight to restaurant as shown on Drg: 22/12557/116 Rev B;

(c) All roof coverings, parapet details, capping and trims as shown on Drg: 22/12557/106 Rev D, 22/12557/107 Rev B, 22/12557/108 Rev B, 22/12557/109 Rev B, 22/12557/110 Rev B, 22/12557/111 Rev B, 22/12557/114 Rev B, 22/12557/116 Rev B;

(d) Courtyard walkways/bridges and privacy screening as shown on Drg: 22/12557/115 Rev B;

(e) Construction detail of junction with the existing building as shown on Drg: 22/12557/116 Rev B;

(f) Enclosure for roof plant and lift over-run as shown on Drg: 22/12557/117 Rev B;

(g) External lighting as shown on D47964/RD/A;

(h) Decorative screen to kitchen extraction flue as shown on Drg: 22/12557/123 Rev A.

(ii) Work to implement the development shall not progress beyond slab level until details of the proposed external rainwater goods, expansion joints, external vents and flues/fittings (other than the kitchen extraction flue referenced in Condition 5 of this permission) have been 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: *To safeguard the historic character and special architectural interest of the Listed Building in accordance with policies DM5 and DM24 of the Worthing Local Plan and the relevant paragraphs of the NPPF.*

05. Use of the kitchen hereby permitted shall not commence unless and until the system for the extraction and disposal of cooking odours (including extract fans, filters, fan units and ducting) as detailed in the agreed Ventilation and Extraction Statement (Rev B), together with methods of noise abatement detailed in the NIA No:010704-2 Revision 02 (dated 06.08.2024), has been installed.

Reason: *To safeguard the amenities of nearby properties having regard to policy DM5 of the Worthing Local Plan.*

06. Work to implement the development shall not progress beyond slab level unless and until an impact assessment of the noise from the external fixed plant has been submitted to and approved by the local planning authority. The assessment shall have regard to the principles of BS 4142:2014+A1:2019 and ensure there is no detrimental impact to the nearest noise sensitive properties. A subsequent test to demonstrate compliance with the assessment shall be completed within one month of the external plant being commissioned and the results submitted to the Local Planning Authority. Unless otherwise agreed in writing no additional external fixed plant (including roof plant) shall be installed other than as detailed in the NIA No:010704-2 Revision 02 (dated 06.08.2024).

Reason: *To safeguard the amenities of nearby properties having regard to policies DM5 and DM22 of the Worthing Local Plan.*

07. Prior to first use of the kitchen hereby permitted a maintenance schedule for the kitchen ventilation and extraction system detailed in Condition 5 of this permission shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the agreed maintenance schedule shall be adhered to at all times.

Reason: *To safeguard the amenities of nearby properties having regard to policies DM5 and DM22 of the Worthing Local Plan.*

08. Unless otherwise agreed in writing by the Local Planning Authority the development hereby permitted shall be implemented in accordance with the agreed drainage plans 60998/10 Rev A, 60998/11 Rev A and 60998/12 Rev 0.

Reason: *To ensure adequate drainage and to comply with the relevant paragraphs of the National Planning Policy Framework and policy DM20 of the Worthing Local Plan.*

09. Unless otherwise approved in writing by the Local Planning Authority the demolition and construction works hereby permitted shall be carried out in accordance with the submitted Construction Management Plan and the measures therein detailing:-

(h) the anticipated number, frequency and types of vehicles used during construction;
(ii) the method of access and routing of vehicles during construction;
(iii) the parking of vehicles by site operatives and visitors;
(iv) loading and unloading of plant, materials and waste;
(v) the storage of plant and materials used in construction of the development;

(vi) the erection and maintenance of security hoarding;
(vii) the provision of wheel-washing facilities and other facilities to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
(viii) details of public engagement both prior to and during construction works;
(ix) measures to control the emission of dust and dirt during construction.

Reason: *In the interests of highway safety and amenity.*

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.

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 policies DM5 and DM22 of the Worthing Local Plan.*

11. No external lighting or floodlighting shall be installed, fixed or fitted on or to the building other than detailed in Condition 4 of this permission.

Reason: *To safeguard the historic character and special architectural interest of the Listed Building in accordance with the policies DM5 and DM24 of the Worthing Local Plan.*

12. Works to implement the development shall not progress beyond slab detail unless a Final Stage Energy Statement and Plan demonstrating compliance with the required CO2 emission reduction targets has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the agreed Statement and Plan.

Reason: *In the interests of sustainability and climate change mitigation and to comply with policy DM16 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

Southern Water records have identified the approximate position of an existing public foul sewer within the development site. Southern Water has commented as follows:-

- The gravity sewer(s) require a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.
- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewers without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers.
- All existing infrastructure should be protected during the course of construction works.

The Applicant is advised to refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf

Southern Water has further advised that there is a private foul sewer within the development site. 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.

Southern Water requires a formal application for a connection to the public foul and surface water 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 the Southern Water New Connections Charging Arrangements documents which are available on the website via the following link:
southernwater.co.uk/developing-building/connection-charging-arrangements

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. The applicant is advised that with regard to the demolition and construction phase the highway areas highlighted in green in the submitted Construction Management Plan will require the relevant parking suspension permits and loading/unloading permits from the WSCC Area Highway Office before the road/pavement can be used for this purpose, The Applicant should discuss this early on with the TRO Team as it may require a temporary TRO or change to an existing TRO. The Applicant is advised to contact the WSCC Area Highway Office Tel: 01243 642105.

04. The Applicant is reminded to ensure rights of access are maintained over the shared rear service yard to allow for deliveries/collections and servicing connected with the normal operation of the adjoining Imperial China Restaurant premises throughout the demolition and construction periods of the development.

Ref: AWDM/1485/23

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://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).