WORTHING BOROUGH COUNCIL

Mr Colm McKee
CMK Planning
11 Jew Street
Brighton
BN1 1UT

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/1017/23

Details of Development
RETROSPECTIVE APPLICATION TO RETAIN USE AS A 14-BEDROOM HMO (SUI GENERIS), AND WITH PROPOSED MANAGERS ACCOMMODATION INCLUDING NEW ROOF EXTENSIONS AND ALTERATIONS AT SECOND FLOOR LEVEL, SINGLE STOREY SIDE EXTENSION, AND RETAIN REAR GARDEN OUTBUILDING AS MANAGERS OFFICE.

Location of Development
GUEST HOUSE 6 WINDSOR ROAD WORTHING WEST SUSSEX BN11 2LX

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 3rd October 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
07/03/2024

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
MANAGEMENT STATEMENT		16.01.2024
EXISTING WEST & SOUTH ELEVATIONS	ENA006-200D	19.12.2023
EXISTING EAST & NORTH ELEVATIONS	ENA006-201B	19.12.2023
PROPOSED FF PLAN	ENA006-131G	16.02.2024
PROPOSED SF PLAN	ENA006-132J	16.02.2024
PROPOSED BLOCK PLAN	ENA006-007D	21.02.2024
PROPOSED GF PLAN	ENA006-130C	21.02.2024
PROPOSED ROOF PLAN	ENA006-133C	21.02.2024
PROPOSED SOUTH & WEST ELEVATIONS	ENA006-220J	21.02.2024
PROPOSED NORTH & EAST ELEVATIONS	ENA006-221E	21.02.2024
FINAL TOURISM REPORT		03.10.2023
FLOOD RISK ASSESSMENT	23/025.01 REV 02	03.10.2023
PLANNING STATEMENT		03.10.2023
EXISTING BLOCK PLAN	ENA006-006	03.10.2023
PRE-EXISTING GF PLAN	ENA006-050B	03.10.2023
EXISTING GF PLAN	ENA006-120B	03.10.2023
PRE-EXISTING BLOCK PLAN	ENA006-005	03.10.2023
PRE-EXISTING FF PLAN	ENA006-051C	03.10.2023
PRE-EXISTING ROOF PLAN	ENA006-053A	03.10.2023
PRE-EXISTING WEST & SOUTH ELEVATIONS	ENA006-060C	03.10.2023
PRE-EXISTING EAST & NORTH ELEVATIONS	ENA006-061A	03.10.2023

Reference/Drawing Number	Version	Date Rec
EXISTING FF PLAN	ENA006-121B	03.10.2023
EXISTING ROOF PLAN	ENA006-123A	03.10.2023

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

02. No development works shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- The anticipated number, frequency and types of vehicles used during construction,
- HGV construction traffic routings shall be designed to minimise journey distance through the AQMA's,
- The method of access and routing of vehicles during construction,
- The parking of vehicles by site operatives and visitors,
- The loading and unloading of plant, materials and waste,
- The storage of plant and materials used in construction of the development,
- The erection and maintenance of security hoarding,
- A commitment to no burning on site,
- 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),
- Details of public engagement both prior to and during construction works,
- Methods to control dust from the site.

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

03. Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this permission shall be limited to the following times.

Monday - Friday 08:00 - 18:00 Hours
Saturday 09:00 - 13:00 Hours
Sundays and Bank Holidays no work permitted

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: *In the interests of residential amenity.*

04. Secure, covered cycle parking shall be provided within the site as indicated on the approved drawings and in accordance with precise details to be submitted to and approved in writing by the Local Planning Authority. Such approved cycle facilities shall be provided on the site within 6 months of this permission and shall thereafter be retained permanently solely for such purposes.

Reason: *In the interests of sustainable transport and amenity in accordance with DM15 of the Worthing Local Plan.*

05. Refuse/recycling storage enclosures and facilities shall be provided within the site as indicated on the approved drawings and in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority. Such enclosures and facilities shall be provided on the site within 6 months of this permission and shall thereafter be retained for refuse/recycling bin storage purposes.

Reason: *In the interests of amenity and the environment having regard to policy DM5 of the Worthing Local Plan.*

06. Precise details of sustainability measures shall be submitted to and approved in writing by the Local Planning Authority and the agreed measures shall be fully implemented before the manager's accommodation hereby approved is first occupied unless otherwise agreed in writing with the Local Planning Authority.

Reason: *To minimise vulnerability and provide resilience to the effects of climate change having regard to Policies DM16 and DM17 of the Worthing Local Plan and the NPPF.*

07. The development shall be carried out in accordance with the Flood Risk Assessment by JOC Consultants Limited dated 1 October 2023 including the recommendations of section 8.0 including that finished ground floor levels shall be set no lower than 5.80 metres above Ordnance Datum (AOD) which shall be fully implemented prior to occupation of the additional accommodation hereby approved and retained and maintained throughout the lifetime of the development.

Reason: *To minimise risk from flooding in accordance with policy DM20 of the Worthing Local Plan.*

08. The external materials and finishes of the development hereby permitted shall, prior to commencement of use of the additional floorspace thereby created, be completed to match in design, colour and texture those of the existing building or as indicated on the approved plans unless otherwise approved in writing by the Local Planning Authority.

Reason: *In the interests of visual amenity and to comply with policy DM5 of The Worthing Local Plan.*

09. The residential accommodation known as 6 Windsor Road shall be used only as a 14 bedroom House of Multiple Occupation (HMO) for up to 14 occupants and additional manager's accommodation within the extended roofspace hereby permitted, with no self-containment of any individual HMO room unless as otherwise approved by the Local Planning Authority by way of a planning application.

    Reason: *In the interests of amenity having regard to policy DM5 of the Worthing Local Plan.*

10. The development shall be carried out in accordance with the Management Statement by Castle Accommodation as deposited 16 January 2024 which shall be fully implemented within 6 months of this permission including implementation of the continuous on-site manager presence and shall be maintained throughout the lifetime of the development.

    Reason: *In the interests of residential amenity having regard to policy DM5 of the Worthing Local Plan.*

11. The second floor manager's accommodation hereby permitted shall be used solely for residential occupation by the on-site manager to provide continuous staff presence for the management of the HMO.

    Reason: *In the interests of residential amenity having regard to policy DM5 of the Worthing Local Plan.*

12. The garden office building hereby permitted shall be used solely for staff/management purposes in connection with the management of the House of Multiple Occupation (HMO) hereby permitted and incidental to the occupation and enjoyment of the property as a whole (as it exists at the date of this permission) as a HMO.

    Reason: *In the interests of residential amenity having regard to policy DM5 of the Worthing Local Plan.*

13. Within 1 month of the date of this permission a scheme for sound insulation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to adequately protect the adjoining dwelling at No.8 Windsor Road from internal noise transferring through the adjoining wall from No.6 Windsor Road to meet Building Regulation standards. The agreed scheme shall be fully implemented within 6 months of this planning permission unless as otherwise agreed in writing with the Local Planning Authority.

    Reason: *In the interests of residential amenity having regard to Policy DM5 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. The Environment Agency strongly recommends the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. If you would like to find out more about reducing flood damage, please visit the Flood Risk and Coastal Change pages of the Planning Practice Guidance (Flood risk and coastal change - GOV.UK (www.gov.uk)).

Further guidance on flood resistance and resilience measures can also be found in:

Government guidance on flood resilient construction https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings

CIRIA Code of Practice for property flood resilience https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_for_property_flood_resilience_.aspx

British Standard 85500 - Flood resistant and resilient construction https://shop.bsigroup.com/ProductDetail/?pid=000000000030299686

03. The Applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit https://www.gov.uk/sign-up-for-flood-warnings. This flood warning service is a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding - time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit https://www.gov.uk/prepare-for-flooding.
To get help during a flood, visit https://www.gov.uk/help-during-flood.
For advice on what do after a flood, visit https://www.gov.uk/after-flood.

04. A formal application for connection to the public sewerage system is required in order to service this development. 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

05. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access 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

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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).