WORTHING BOROUGH COUNCIL

MR IAN BOYD
77/79 CHAPEL ROAD LTD
2ND FLOOR
STANFORD GATE
SOUTH ROAD
BRIGHTON
BN1 6SB

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/0958/23

Details of Development
CHANGE OF USE OF EXISTING GROUND-FLOOR REAR AND UPPER FLOOR OFFICES TO CREATE A 21 BEDROOM HOUSE OF MULTIPLE OCCUPATION (HMO)(SUI GENERIS) INCLUDING ASSOCIATED EXTENSIONS AND ALTERATIONS COMPRISING REAR DORMERS AND FRONT ROOF LIGHTS, INSTALLATION OF SOLAR PANELS TO SOUTH ROOF SLOPES, REPLACEMENT WINDOWS, DEMOLITION OF FIRST-FLOOR REAR STORAGE AREA AND CONSTRUCTION OF FIRST-FLOOR REAR INFILL EXTENSION PLUS GROUND-FLOOR STORE IN REAR YARD, ROOF REMOVED TO REAR YARD. APPLICATION TO VARY CONDITION 1 OF PREVIOUSLY APPROVED AWDM/2007/22. (APPROVED PLANS). AMENDMENTS TO INCLUDE RECONFIGURATION OF INTERNAL LAYOUTS INLCUDING TO GRD FLOOR KITCHEN/DINING AREAS, 1ST FLOOR STAIR LOBBIES AND 2ND FLOOR LINK CORRIDOR; PLUS INSERTION OF ROOFLIGHT WINDOWS AND SOLAR PVS TO REAR OUTBUILDING

Location of Development
77 - 79 CHAPEL ROAD WORTHING WEST SUSSEX BN11 1HU

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 August 2023.

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

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

Ref: AWDM/0958/23



Gary Peck
Planning Services Manager
08/11/2023

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 GROUND FLOOR PLAN	22076 20 G	31.10.2023
PROPOSED THIRD FLOOR/ROOF PLAN	22076 23 D	31.10.2023
EXISTING ELEVATIONS	22076 002 D	08.08.2023
PROPOSED FIRST FLOOR PLAN	22076 21 C	08.08.2023
PROPOSED ELEVATIONS	22076 28 A	08.08.2023
PROPOSED SECTIONS	22076 26 A	08.08.2023
PROPOSED ROOF PLAN	22076 24 B	08.08.2023
PROPOSED SECOND FLOOR PLAN	22076 22 C	08.08.2023
PROPOSED DETAILS	22076 29	08.08.2023
CONSTRUCTION NOTES	22076 25 A	08.08.2023
EXISTNG ELEVATIONS	003	08.08.2023
EXISTING GROUND & FIRST FLOOR LAYOUT	001	08.08.2023
EXISTING SECOND FLOOR LAYOUT & ROOF	002	08.08.2023
BLOCK & LOCATION PLAN	001	08.08.2023
MANAGEMENT PLAN		08.08.2023

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 17.04.2023.

Reason: *To comply with Section 91 of the Town and Country Planning Act 1990.*

03. The external materials and finishes of the extensions and alterations hereby permitted, including works of making good, shall match in design, colour and texture those of the existing building 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.*

04. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification) and the Town and Country Planning Use Classes Order 1987 (as amended) (or any order revoking and re-enacting that Order with or without modification), the ground-floor premises shall not be used for any purpose within Class E(b) Cafe/Restaurant where 'primary' cooking is undertaken on the premises; Class E(d) Indoor Sport and Recreation, Class E(f) Creche, Day Nursery or Day Centre, Class E(g)(ii) Research & Development or Class E(g)(iii) Industrial processes, at any time.

Reason: *In the interests of safeguarding residential amenity in accordance with policy DM5 of the Worthing Local Plan.*

05. Unless otherwise approved in writing by the Local Planning Authority the development shall be carried out in accordance with the scheme for protecting the front (east-facing) rooms within the proposed noise sensitive development from external traffic noise and the associated strategy for ventilation to prevent overheating approved under AWDM/0924/23. Prior to first occupation of any unit within the HMO, a test shall be undertaken and the results submitted to the Local Planning Authority to demonstrate that the attenuation measures in the approved scheme are effective and protect the residential accommodation from noise.

Reason: *To protect future occupiers from noise disturbance in accordance with The National Planning Policy Framework and Worthing Local Plan policies DM5 and DM22 and Planning Noise Advice Document Sussex.*

06. Sound insulation of the floor/ceiling between the ground and first floors shall be undertaken to achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB). Before any HMO accommodation 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 Worthing Local Plan Policies DM5 and DM22 and Planning Noise Advice Document Sussex.*

07. Unless otherwise approved in writing by the Local Planning Authority, use of the HMO accommodation hereby permitted shall not first commence unless and until the existing timber screen fixed to the northern boundary wall has been replaced in accordance with the screen fencing details agreed under AWDM/0924/23. Thereafter the screen fence shall be retained in accordance with the agreed details.

Reason: *To safeguard the amenities of neighbouring residential occupiers in accordance with policy DM5 of the Worthing Local Plan.*

08. Unless otherwise approved in writing by the Local Planning Authority, no part of the development shall be first occupied until the covered and secure cycle parking spaces approved under AWDM/0924/23 have been provided on the site.

Reason: *To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.*

09. Unless otherwise approved in writing by the Local Planning Authority, no part of the development shall be first occupied until the associated facilities for storing refuse and recycling have been provided in accordance with the details approved under AWDM/0924/23.

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

10. Unless otherwise agreed in writing by the Local Planning Authority the HMO accommodation shall be managed at all times in accordance with the measures and protocols detailed within the submitted Management Plan by Base One including the provision of on-site management between the hours of 09.00 and 17.00 on Mondays to Fridays (inclusive) except bank and public holidays.

Reason: *To safeguard residential amenity in accordance with policy DM5 of the Worthing Local Plan.*

11. The replacement UPVC windows hereby permitted on the first and second-floor front (east-facing) elevations shall consist of vertical sliding sashes on two separate planes.

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

12. No development shall be first occupied unless and until the solar PVs shown on the approved plans have been implemented in accordance with details of their size, siting and method of fixing which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: *In the interests of sustainable development having regard to policies DM16 and DM17 of the Worthing Local Plan.*

13. 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 09.00 and 13.00 hours 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 saved policy DM5 of the Worthing Local Plan.*

14. Unless otherwise approved in writing by the Local Planning Authority, the development shall only take place, including any works of demolition, in accordance with the Construction Management Plan approved under AWDM/0924/23. The approved Plan shall be implemented and adhered to throughout the entire construction period.

    Reason: *In the interests of highway safety and to safeguard the amenities of the occupiers of neighbouring properties having regard to saved policy DM5 of the Worthing Local Plan.*

15. Unless otherwise approved in writing by the Local Planning Authority, the development shall be implemented in accordance with the proposed means of foul sewerage and surface water disposal approved under AWDM/0924/23.

    Reason: *To ensure the development is satisfactorily drained in compliance with policy DM20 Worthing Local Plan.*

16. Notwithstanding the details shown on the approved plan the first-floor south-facing window to Unit 6 shall be fitted and retained in obscured glass.

    Reason: *In the interests of residential amenity in compliance with policy DM5 of the Worthing Local Plan.*

17. Unless otherwise approved in writing by the Local Planning Authority the development shall be carried out in accordance with the recommendations set out in the agreed Asbestos Refurbishment Survey approved under AWDM/0924/23.

    If, during development, any visibly contaminated or odorous material (for example asbestos-containing material, stained soil, petrol/diesel/solvent odour, underground tanks or associated pipework) not previously identified is found to be present at the site, then, no further development 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 is proposed to be dealt with shall be submitted to and approved in writing by the Local Planning Authority and shall then be implemented as approved within an approved time period contained in the method statement.

    Reason: *In the interests of environmental protection and public health and safety, in compliance with the National Planning Policy Framework and policy DM22 of the Worthing Local Plan.*

Informatives / Notes to Applicant

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

02. Sussex Police Advice

The Applicant or Agent is directed to the Secured By Design website at www.securedbydesign.com where the SBD Homes 2019 Version 2 document can be found. The Secured by Design scheme is a Police initiative to guide and encourage those engaged within the specification, design and build of new homes, and those undertaking major or minor property refurbishment, to adopt crime prevention measures. The advice given in this guide has been proven to reduce the opportunity for crime and the fear of crime, creating safer, more secure, and sustainable environments.

The following security measures to be implemented within the development:

The front access door to the HMO will be subject to heavy and prolonged use so needs to be fit for purpose. The applicant is referred to Secured by Design Homes 2019 Version 2 Chapter 21 Paragraph 21.1 to 21.17 and 21.19 to 21.22.

It is recommended the postal arrangements for the HMO is through the wall, external or lobby mounted secure post boxes. I strongly urge the applicant not to consider letter apertures within the front doors of the individual rooms. The absence of the letter aperture removes the opportunity for lock manipulation, fishing and arson attack and has the potential to reduce unnecessary access to the block.

Each bedroom door must be fire rated (FD30 or higher) door with a minimum lock certificated to (BS8621) or (PAS 8621), fitted with a minimum of two hinge bolts or hinges with a similar integral facility to ensure protection in the event of a hinge failure following a criminal attack. The bedroom doors must also be installed with a door chain and door viewer. The Applicant is referred to SBD Homes 2019 Version 2 chapter 24 which discusses lightweight framed walls in houses and buildings containing multiple dwellings or bedrooms. Paragraphs 24.1 through to 24.2.3 will be of pertinence to this application.

With regards to the cycle store - research by the 'Design against Crime Centre' suggests that cyclists should be encouraged to lock both wheels and the crossbar to a stand rather than just the crossbar and therefore a design of cycle stand that enables this method of locking to be used is recommended. Minimum requirements for such equipment: - Galvanised steel bar construction (minimum thickness 3mm), filled with concrete; - Minimum foundation depth of 300mm with welded 'anchor bar'.

In relation to lighting the communal areas to this application the Applicant is referred to Chapter 25 SBD Homes 2019 Version 2 Paragraphs 25.3 through to 25.4.

Details regarding CCTV and Data Protection can be found at the Information Commissioners Office website at: https://icosearch.ico.org.uk/s/search.html?query=CCTV&collection=ico-meta&profile=_default

Construction sites often suffer theft, criminal damage, arson and antisocial behaviour all of which can have a major impact on completion dates and overall development costs. The SBD Construction Site Security Guide 2021 is designed to be risk commensurate and provide advice on how to secure the site from the moment the hoarding goes up until the moment the development is handed over to the client or end user. The advice is based on proven crime prevention principles that are known to reduce criminal opportunity by creating safer, more secure, and sustainable environments. It applies to all construction sites regardless of their size and is intended for all staff including security personnel.

Further advice on construction site security can be obtained on the Secured by Design website www.securedbydesign.com/images/CONSTRUCTION_SITE_SECURITY_GUIDE_A4_8PP.PDF

It is also recommended that contact is sought by the developer with the Neighbourhood Police Team (NPT) to establish good relations whilst the development is in the construction phase.

03. Southern Water Advice

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

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. 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

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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://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).