WORTHING BOROUGH COUNCIL

Stickland Wright Ltd.
23 Vine Street
Brighton
BN1 4AG

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/1483/23

Details of Development
CHANGE OF USE TO GROUND FLOOR AREA TO PROVIDE ACCESS TO RESIDENTIAL UNITS TOGETHER WITH GROUND-FLOOR INFILL EXTENSION. EXTENSION TO FIRST-FLOOR TO PROVIDE ADDITIONAL BEDROOM AND TERRACE AREAS. EXTENSION TO SECOND FLOOR TO PROVIDE 1NO. 1 BED FLAT AND 1 NO. 2 BED FLAT.

Location of Development
148 - 152 MONTAGUE STREET WORTHING WEST SUSSEX BN11 3HH

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 25th 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
25/09/2024

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
NOISE ASSESSMENT	J3616	25.10.2023
FLOOD RISK ASSESSMENT		25.10.2023
LOCATION & BLOCK PLAN	23007C-P-001 B	25.10.2023
EXISTING PLANS	23007C-P-010 B	25.10.2023
EXISTING ELEVATIONS	23007C-P-011 B	25.10.2023
LOCATION PLAN		25.10.2023
PROPOSED ELEVATIONS	23007C-P-101 H	29.01.2024
EXISTING & PROPOSED ROOF PLAN	23007C-P-012 G	15.01.2024
PROPOSED PLANS	23007C-P-100 G	15.01.2024

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. No work to implement the development shall be carried out unless and until a schedule and samples of materials and finishes to be used for the external walls and roofs of the proposed development have been submitted to and approved in writing by the Local Planning Authority. The roadside roof slope of the 'mansard' roof shall consist of natural slate. The development shall be completed in accordance with the approved schedule and samples.

Reason: *In the interests of visual amenity and to safeguard the character and appearance of the conservation area in accordance with policies DM5 and DM24 of the Worthing Local Plan.*

04. Prior to the commencement of development works scaled drawings and sections showing the detailed design of the dormers, windows and doors, and architectural details including the raised parapet/profiled banding/capping details, and firewall, shall be 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: *In the interests of visual amenity and to safeguard the character and appearance of the conservation area in accordance with policies DM5 and DM24 of the Worthing Local Plan.*

05. Details of the proposed secure, covered cycle storage to serve the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, such provision as agreed shall be provided prior to first occupation of any dwelling and shall thereafter be retained permanently solely for such purposes.

Reason: *To encourage and provide for a sustainable non-car mode of transport in compliance with the National Planning Policy Framework and policy DM15 of the Worthing Local Plan.*

06. Details of the proposed bin storage for refuse and recycling to serve the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, such provision as agreed shall be provided prior to first occupation of any dwelling and shall thereafter be retained permanently solely for such purposes.

Reason: *In the interests of proper planning and the environment and to comply with policy DM5 of the Worthing Local Plan.*

07. The development shall be carried out in accordance with the submitted Flood Risk Assessment (undated) and the following mitigation measures it details:
* All sleeping accommodation must be located on the first floor or above.
These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.
The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: *To reduce the risk of flooding to the proposed development and future occupants in accordance with policy DM20 of the Worthing Local Plan and the NPPF.*

08. Works for implementing the development shall not commence until precise details of the proposed sound reduction and ventilation measures based on the mitigation strategy detailed in the submitted Noise Assessment by Acoustic SE J3616 Issue 1 necessary to protect the proposed noise sensitive development from internal and external noise and to prevent overheating have been submitted to and approved in writing by the Local Planning Authority. The scheme shall achieve the sound reduction levels specified in the submitted Assessment and shall include full details of proposed double glazing specification, details of the noise insulation scheme between the ground-floor ceiling/first-floor, and design details of the proposed MVHR system (including the position of all duct locations). The noise level of any ventilation units when in use should not exceed the levels specified in BS8233:2014 and all duct work should be fitted on anti-vibration mounts. Following approval of the scheme and prior to first occupation of any dwelling unit, a test shall be undertaken and the results submitted to the Local Planning Authority to

demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential units from noise.

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

09. No work to implement the development shall be carried out unless and until precise details of the siting, design and a technical specification of the proposed solar photovoltaics (PVs) shown on the approved roof plan, and a timescale for their implementation, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the agreed details and timeframe for implementation. The dwellings shall achieve a minimum 'C' rating Energy Performance Certificate and achieve the minimum optional requirement set through the Building Regulations for water efficiency that requires an estimated water use of no more than 110 litres per person per day.

Reason: *In the interests of sustainable development and to safeguard the character and appearance of the Conservation Area in accordance with policies DM5, DM16, DM17, DM21 and DM24 of the Worthing Local Plan.*

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 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 policy DM22 of the Worthing Local Plan.*

11. No development 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. The development, including works of demolition, shall be carried out in accordance with the approved Management Plan and shall be adhered to throughout the construction and demolition periods. The Plan shall provide for:-

the anticipated number, frequency and types of vehicles used during construction,
i) the method of access and routing of vehicles during construction,
ii) HGV construction traffic routings shall be designed to minimise journey distance through the Councils Air Quality Management Areas (AQMA's),
iii) the parking of vehicles by site operatives and visitors,
iv) the 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) a commitment to no burning on site,
viii) 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),
ix) methods to control dust from the site,

x) a commitment to following BS5228:Code of Practice for noise and vibration control on construction and open sites,
xi) details of public and neighbour engagement both prior to and during construction works.

Reason: *In the interests of highway safety and the environment in accordance with 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 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. All Planning Applications for both domestic and non-domestic premises that have been granted approval for new development or conversions will require a new, or amended property address for the proposed development. Developers will be required to submit a Street Naming and Numbering Application to the Street Naming and Numbering Department upon commencement of works to enable the new development to be officially addressed in compliance with the British Standard of Addressing; known as BS7666. Developers are invited to complete their Street Naming and Numbering Application via the following link to the councils' website: www.adur-worthing.gov.uk/naming-and-numbering Information and guidance regarding the Fees for the service provided are also available at this location. Alternatively, please do not hesitate to contact the Street Naming and Numbering Department via the following methods should you have any queries; Street Naming and Numbering, Adur & Worthing Councils, Portland House, 44 Richmond Road, Worthing BN11 1HS. Telephone Number: 01903 221479. Email: llpg@adur-worthing.gov.uk

03. Southern Water

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

In situations where surface water is being considered for discharge to the Southern Water network, Southern Water requires the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments.

- Reuse
- Infiltration
- Watercourse
- Storm sewer

- Combined sewer.

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.

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

04. 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.

05. Flood resistance and resilience measures should be considered in the detailed design of the development.

06. Safe access and egress should be considered in the detailed design of the development due to the site being located in Environment Agency Flood Zone 3.

07. The submitted Flood Risk Assessment states the site is at very low risk of flooding from surface water. However, the Environment Agency's long-term flood map indicates it is at high risk. This should be taken into consideration in the detailed design of the development.

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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).