WORTHING BOROUGH COUNCIL

Miss Emily Comber
tor&co
23 Heddon Street
London
W1B 4BQ

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/0921/24

Details of Development
TWO STOREY UPWARD EXTENSION AND REMODELLING OF BUILDING TO PROVIDE AN APARTHOTEL (CLASS C1) ON UPPER FLOORS WITH ITS ENTRANCE LOBBY TO PORTLAND ROAD AT GROUND FLOOR AND THE RETENTION OF RETAIL SPACE (CLASS E) AT GROUND AND PART FIRST FLOORS, PLUS ANCILLARY PLANT AND EQUIPMENT ON THE ROOF.

Location of Development
40 - 46 MONTAGUE STREET WORTHING WEST SUSSEX BN11 3HB

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 23rd July 2024.

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
15/01/2025

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
FLOOD EMERGENCY PLAN	November 2024	27.11.2024
3D VIEW PROPOSED	A-101-RevB	24.12.2024
PROPOSED ELEVATIONS	A-102-RevB	24.12.2024
PROPOSED SECTION A-A	A-103-RevB	24.12.2024
PROPOSED SECTION B-B	A-104-RevB	24.12.2024
GROUND FLOOR PLAN - PROPOSED	A-107-RevB	24.12.2024
FIRST FLOOR PLAN - PROPOSED	A-108-RevB	24.12.2024
SECOND FLOOR PLAN - PROPOSED	A-109-RevB	24.12.2024
MANSARD ROOF LEVEL - PROPOSED	A-110-RevB	24.12.2024
ROOF PLAN	A-111-RevB	24.12.2024
WASTE STATEMENT ISSUE No.2	tor and co.	11.12.2024
SITE LOCATION PLAN	TOR-P001	23.07.2024
ENERGY STATEMENT	5690 ISSUE NO 3	23.07.2024
FRAMEWORK TRAVEL PLAN. SECTION 6 OF TRANSPORT STATEMENT	211020-01 REV A	23.07.2024

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. Details and Materials

Prior to commencement of any works (including any works of dismantling of external fabric), (unless the Local Planning Authority agrees in writing to such other timing), the applicant shall submit and have received the written approval of the Local Planning Authority for, the following:

A)
Plans at a scale of 1:20 of key architectural features including:

i) the depth of window reveals on each floor
ii) details of the window designs including the dimensions and sections of glazing bars
iii) dormers windows,
iv) the detailed design of the corner of the building and its roof, including the doomed roof
v) details of corbels, mouldings, cappings, string courses and friezes
vi) details of the balconies and canopies.
vii) details of roof intersections and eaves and interactions with ground floor facade
viii) rainwater goods

B)
Details and samples of external materials, including colours and finishes.

Reason: the interests of visual amenity, to ensure a high quality appearance and character of development in the Conservation Area, in accordance with policies DM5 & DM24 of the Worthing Local Plan 2020 - 2036 and the NPPF, 2024.

04. High Standard of Works with Ongoing Liaison

Prior to commencement of any works (including any works of dismantling of external fabric), a programme and timetable of development works shall be submitted to and approved in writing by the Local Planning Authority. This shall describe key stages of the implementation of development directed towards the attainment of a high standard of implementation and workmanship, including:

i) Any dismantling of existing external fabric and construction of new fabric;

ii) Working techniques during key stages to ensure design quality;

iii) Arrangements for early stage review of works as they are implemented and provision to remove such works if they are deemed by the Local Planning Authority to be of an unsatisfactory standard;

iv) Completion of works, including all design detailing, prior to commencement of the use hereby approved.

The development shall only be carried out in accordance with the details thereby approved.

Reason: the interests of visual amenity, to ensure a high quality appearance and character of development in the Conservation Area, in accordance with policies DM5 & DM24 of the Worthing Local Plan 2020 - 2036 and the NPPF, 2024.

05. External Pipes, Cables and Aerials

No externally mounted pipework (except rainwater goods and downpipes, approved under condition 3 above), cables, wires, aerials, meter boxes or flues, shall be fixed or fitted externally to any elevation of the building facing a highway or other public footpath, without the prior written approval of the Local Planning Authority.

Reason: the interests of visual amenity, to ensure a high quality appearance and character of development in the Conservation Area, in accordance with policies DM5 & DM24 of the Worthing Local Plan 2020 - 2036 and the NPPF, 2024.

06. Use of The Site

A) The use hereby approved of first floor level and above shall be for hotel accommodation only (under Class C1 of the Town And Country Planning (Use Classes) Order 1987, as amended and notwithstanding any future changes or re-enacting of that Order). Rooms and suites shall be let only on a short-term basis, where each short-term let is no more than 90 consecutive days in any one calendar year and shall not be extended during that calendar year, nor consecutively into the following calendar year. There shall not at any time be any use as dwellinghouses (flats and apartments), under Class C3 of the Town And Country Planning (Use Classes) Order 1987, as amended, or any Order revoking or re-enacting that Order.

B) The operator of the hotel accommodation shall maintain a register of guests at all times, including length of each booking and shall provide this on request of the Local Planning Authority within 14 days of such request

C) The hotel use shall only relate to the first floor level and above and not to the ground floor which, with the exception of the aparthotel entrance lobby to Portland

Road shown on the approved plans, shall remain as retail space under Class E of the Town And Country Planning (Use Classes) Order 1987, as amended.

Reason: *To ensure that the accommodation hereby approved remains in hotel (Class C1) use and is not used as Class C3 residential accommodation, which would be likely to lead to substandard provision of internal and external space, and demands upon infrastructure which would require further planning consideration and to retain a Class E use at Ground Floor, in accordance with the Worthing Local Plan 2020-2036.*

07. Management Plan

Prior to the commencement of the use of the aparthotel hereby approved, a management plan shall be submitted to and approved in writing by the Local Planning Authority, which shall include details including but not limited to the following:

- Arrangements for the making of bookings, keeping of a booking register and for checking-in and checking-out
- Housekeeping arrangements and the frequency and extent of housekeeping activities
- Arrangement for managing customer queries and needs at the site
- Measures to be taken to minimise risk of noise, disturbance or other nuisance to customers and neighbours of the site

The aparthotel use shall only be carried out in accordance with the details approved under this condition, unless the Local Planning Authority gives prior written approval for any variation.

Reason: *In order to ensure the proper operation of the use and to safeguard customer, neighbouring and public amenities in accordance with policies DM5 and DM22 of the Worthing Local Plan 2020-2036.*

08. Waste Management Plan.

Management and disposal of waste arising from the operation of the aparthotel use hereby approved shall be carried out in accordance with the Waste Statement Issue No.2, by tor and co, which was received by the Local Planning Authority on 11th December 2024, unless the Local Planning Authority gives prior written approval for any variation

Reason: *In order to ensure the proper management and disposal of waste in order to safeguard neighbouring and public amenities in accordance with policies DM5 and DM22 of the Worthing Local Plan 2020-2036.*

09. Emergency Flood Management Plan.

The aparthotel use shall only be carried out in accordance with the Emergency Flood Management Plan, November 2024, submitted with the current application, unless the Local Planning Authority gives prior written approval for any variation. The applicant shall ensure that all customers and staff of the aparthotel are informed of arrangements for safe access, egress and evacuation and that these arrangements are updated in response to any future changes or increase in flood risk.

Reason: *In order to ensure the safe operation of the use and to safeguard customers and staff in accordance with policy and DM20 of the Worthing Local Plan 2020-2036 and NPPF, 2024.*

10. Acoustic Assessment, Noise Mitigation and External Plant

i) Prior to the construction of the aparthotel hereby approved, (excluding any works of dismantling of external fabric), an acoustic assessment shall be undertaken in accordance with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings', to assess risk of noise and vibration affecting users of the aparthotel and neighbours of the site. This shall include but not be limited to noise transmission between floors and walls, noise and vibration associated with plant, and noise from outside the site. Any proposed noise attenuation or mitigation measures shall also be included in the assessment and shall be fully implemented prior to the use of the aparthotel and shall be adhered to permanently thereafter, unless the Local Planning Authority gives prior written approval for any variation.

ii) No external fixed plant, or mechanical vent or duct shall be installed until details including acoustic performance and where relevant, odour management, have been first been submitted to and approved in writing by the Local Planning Authority. All plant shall be maintained in accordance with manufacturer's guidance to ensure the levels contained in the aforementioned Acoustic Assessment are not exceeded and any future plant shall also meet the specified levels within the approved scheme.

Reason: *In order to safeguard customer and neighbouring amenities and the appearance of the development in accordance with policies DM5 and DM22 of the Worthing Local Plan 2020-2036.*

11. Details of Solar Panels.

Prior to the installation of the solar panels and any associated supporting framework, additional details, including their size, height, appearance, colour and finish shall be submitted to and approved in writing by the Local Planning Authority. They shall only be installed in accordance with the details approved under this condition.

Reason: the interests of visual amenity, and the appearance and character of the Conservation Area, in accordance with policies DM5 & DM24 of the Worthing Local Plan 2020 - 2036 and the NPPF, 2024.

12. Sustainable Construction and Energy

A) The operational phase of the aparthotel development hereby approved shall (unless alternatives are agreed in writing by the Local Planning Authority), incorporate and meet the measures and targets relating to:

- fabric and thermal efficiency, and
- renewable energy and low carbon strategy, and
- water usage efficiency

as set out in the two T16 documents: Energy Statement for Planning, Issue No. 3 June 2024, and Sustainability Statement, No. 4 June 2024

B) Written confirmation, including independent professional verification, shall be submitted to and approved in writing by the Local Planning Authority, within 3 months of the first occupation of the aparthotel development, (or such other time as shall first be agreed in writing by the Local Planning Authority), to confirm that these measures have achieved the targets for CO2 efficiency, renewable energy and water efficiencies. Where appropriate, it shall include any proposed and timetabled remedial measures if these targets have not been met, in which event the remedial measures thereby approved shall then be implemented in accordance with that timetable.

Reason: *To ensure CO2 reduction through sustainable construction and renewable energy and to ensure water efficiency provision in accordance with policies 17 & 18 of the Worthing Borough Council Core Strategy 2011 and the NPPF, 2024.*

13. Drainage

i) Prior to the construction of the roof of the extension to the building hereby approved, further details of the construction, capacity and management of the blue roof referred to at section 6 of the T16 document: Sustainability Statement, No. 4 June 2024, including arrangements for its ongoing management and maintenance, shall be submitted to and approved in writing by the Local Planning Authority.

ii) The aparthotel development hereby approved shall not be occupied until all foul and surface water drainage and connections have been completed in accordance with the details provided in this application and at i) above.

Reason: *In order to ensure provision of adequate drainage, including sustainable drainage, in accordance with policies DM9 and DM20 of the Worthing Local Plan 2020-2036.*

14. Planting and Screening

Prior to occupation of the aparthotel hereby approved, details of planting shall be submitted to and approved in writing by the Local Planning Authority as follows:

i) Planting on the second floor roof terrace on the northern and eastern elevations, in order to minimise visibility between windows and roof areas of the development and neighbouring properties, especially those neighbours to the east of the site, and

ii) Planting at first floor roof-terrace level on the western facade of the building.

Any such planting which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar type, size & species.

Reason: *To enhance the appearance of the development and to safeguard neighbouring amenities and privacy in accordance with policy DM5 of the Worthing Local Plan 2020 - 2036.*

15. External Lighting

Prior to the occupation of the aparthotel hereby approved, details of external lighting (including design, position and luminance), particularly at Field Row, shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be designed to enhance security of Field Row but to minimise risk of light pollution or nuisance. This approved lighting shall be implemented prior to occupation of the aparthotel. No additional external lighting shall be installed unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: *In order to provide lighting as part of safe, safe accessible development and to balance lighting needs with the interests of the wider townscape, conservation area, neighbouring and amenities in accordance with policies DM5 and DM22 of the Worthing Local Plan 2020 - 2036 and the NPPF, 2024.*

16. Travel Plan

Upon first occupation of the aparthotel the applicant shall implement the measures incorporated within the framework travel plan as part of the Transport Statement by TTC Consultancy, June 2024 Reference: 211020-01 REV A, submitted with this application. The applicant shall thereafter keep the travel plan

packs and information up to date to ensure that measures set out in the framework travel plan are implemented

Reason: To promote sustainable transport, in accordance with policyDM15 of the Worthing Local Plan 2020 - 2036 and the NPPF, 2024.

17. Construction Management Plan

No development shall take place, including any works of dismantling, 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:

i) the anticipated number, frequency and types of vehicles to be 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) 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, appearance and maintenance of security hoarding or safety shrouding if required;
vii) details of measures to minimise dust, noise, fumes, light pollution or other nuisance
viii) details of public and neighbour engagement both prior to and during construction works.

Reason: *In the interests of the safety and the amenities of the area and to manage the temporary impact of development works on the appearance and character of the area, where possible.*

18. Hours of Work

No construction work relating to the development, or operational or construction vehicles, shall be undertaken or operated on the site except between the hours of: 08.00 and 18.00 on Mondays to Friday and between the hours of 08.30 and 13.00 on Saturday and not at any time on Sundays or Public Holidays.

Reason: In the interests of highway safety and the amenities of the area and a balance between the protection of local and residential amenities and times of development work in accordance with policies DM13 and DM22 Worthing Local Plan 2020 - 2036.

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. Use of the Site

The aparthotel is a hotel use under Class C1 of the Town And Country Planning (Use Classes) Order 1987, as amended, and this is stated in condition 6 of this notice of permission. Where aparthotel is referred to in other conditions of this permission, this means the hotel use referred to in condition 6.

03. Fire Safety

The applicant is advised that in order to ensure compliance with fire safety requirements, they should contact the Water and Access Manager at West Sussex Fire and Rescue Service West Sussex County Council, Bognor Fire Station, West Meads Drive, Bognor, PO21 5TB Phone: 0330 222 3117 | E-mail: frs.waterandaccess@westsussex.gov.uk

04. Southern Water

Southern Water has advised that a formal application would be needed for connection to the public sewer, by the applicant or development. To make an application visit Southern Water's Get Connected service: https://developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents, which are available on our website via the following link:

https://www.southernwater.co.uk/building-and-developing/our-services/water-services/connecting-charging-arrangements

Construction of the development should not commence until further details of the proposed means of foul sewerage and surface water disposal have been submitted to and approved in writing by Southern Water. For further advice contact Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX southernwater.co.uk .

05. UK Power Networks

Please note there are HV/LV underground cables on the site running within close proximity to the proposed development. Prior to commencement of work accurate records should be obtained from our Plan Provision Department at UK Power Networks, Fore Hamlet, Ipswich, IP3 8AA.
All works should be undertaken with due regard to Health & Safety Guidance notes HS(G)47 (Avoiding Danger from Underground services). This document is available from local HSE office. Should any diversion works be necessary as a result of the development then enquiries should be made to our Customer Connections department. The address is UK Power Networks, Metropolitan house, Darkes Lane, Potters Bar, Herts, EN6 1AG.

06. You are advised to ensure that the development works accord with the Party Wall Act 1996, which set out responsibilities for the undertaking of works at or close to the party wall of any neighbouring owner. Further information can be found at:

https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance

Ref: AWDM/0921/24

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).