Worthing
BOROUGH COUNCIL

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Portland House
Richmond Road
Worthing BN11 1LF

APPLICATION NO. WB/07/1451/FULL

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT PROCEDURE ORDER 1995

Mr Graham Askew
Bay Tree Cottage
5 Hurston Grove
Storrington
West Sussex
RH20 4HQ

PROPOSAL: Change of use of ground floor from Class A1 (Shops) to Class A3-A5 use (Food and Drink) including proposed extraction flue to the rear. Demolition of middle section of building and rebuilding; extension and conversion of upper floor levels into 5 x 1 bedroom self-contained flats. (Resubmission of WB/07/1096/FULL).

LOCATION : 43 Warwick Street Worthing

DATE REGISTERED 18th December 2007

APPLICANT : Mr Kaher

WORTHING BOROUGH COUNCIL, under the above Act and Order, gives you notice that its decision upon your application described above and in Site plan, 2007/13/10 Rev. A, 2007/13/2 Rev. A, 2007/13/1 Rev. A, 2007/13/13 Rev. A, 2007/13/4, Section drawing and extg. Loftspace drawing, which accompanied the application, or as subsequently amended prior to consideration, is to

GRANT PERMISSION subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

   Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

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Dated : 11th February 2008

Assistant Director (Planning Services)

Note: Your attention is drawn to the notes and advice overleaf.

2. The ground-floor premises shall not be open for trade or business except between the hours of 8.00 am and 11.00 pm on any day.

   Reason: To safeguard the amenities of the occupiers of neighbouring residential properties.

3. Notwithstanding the approved drawings the ground-floor use hereby permitted shall not be carried on unless and until a satisfactory means of ventilation for the extraction and disposal of cooking odours (including sound attenuation measures) has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

   Reason: To safeguard the amenities of the occupiers of nearby properties.

4. Notwithstanding the approved drawings the ground-floor use of the premises hereby permitted shall not be carried on unless and until satisfactory provision has been made within the site for the storage of refuse/food waste in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

   Reason: To ensure satisfactory facilities for the storage and disposal of refuse in the interests of hygiene and visual amenity.

5. The development hereby permitted shall not commence unless and until a schedule and samples of materials and finishes to be used for the external walls and roofs of the proposed extensions and alterations have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be completed fully in accordance with the agreed materials.

   Reason: In the interests of visual amenity.

6. Notwithstanding the approved drawings the development hereby permitted shall not commence unless and until detailed drawings (at a scale of not less than 1:20) of all the new and replacement windows and external doors/gates within the existing buildings and proposed extensions have been submitted to and approved in writing by the Local Planning Authority. The submitted drawings shall show the material, style and proportions of the windows and frames, their method of opening, the arrangement of glazing bars, the set back of the frame from the external wall and the window cills. Thereafter the development shall be carried out only in accordance with the agreed details.

   Reason: In the interests of visual amenity.

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7. Notwithstanding the details shown on drawing 2007/13/2 Revision A, the window inserted into the second-floor blind window on the front (south) elevation shall consist of a timber, vertical-sliding sash window in accordance with details to be submitted and agreed under Condition 6. of this permission.

   Reason: For the avoidance of doubt and because the casement window shown on the submitted drawing is considered unacceptable.

8. The residential flats hereby permitted shall not be occupied unless and until sound insulation has been provided between the ground-floor A3/A4/A5 use and the residential flats on the upper floors, in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority.

   Reason: To safeguard the amenities of the occupiers of the flats.

9. Prior to the flats hereby approved being occupied, refuse provision/bin stores shall be provided for the flats in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

   Reason: To ensure satisfactory facilities for the storage and disposal of refuse in the interests of hygiene and visual amenity.

10. The lower parts of the windows, less than 1.7 metres above internal finished floor level, in the west side elevation and situated on the first-floor of the building hereby permitted shall be fitted with, and retained in, obscured glazing.

    Reason: To safeguard the amenities of the occupiers of the flats.

11. Notwithstanding the detail shown on drawing 2007/13/2/Revision A, no consent or approval is conferred on the proposed replacement shopfront, which does not form part of this application.

    Reason: For the avoidance of doubt.

12. The development shall not commence unless and until suitable and timely provision has been made to the written satisfaction of the Local Planning Authority for the upgrading of the local transport facilities to accommodate the travel demand generated by the proposal and mitigate its harmful effects.

    Reason: To ensure the development meets the travel needs it generates and minimizes harmful impacts in accordance with Worthing Local Plan policies RES12 and West Sussex Structure Plan policies NE13, NE14, DEV3 and DEV4.

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13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or as subsequently amended), the ground-floor premises shall only be used for Classes A3, A4 and/or A5 of the Town and Country Planning (Use Classes) Order 2005, or succeeding legislation.

    Reason: To safeguard the special character and vitality of this part of the Central Shopping Area (Zone B).

INFORMATIVES

1. West Sussex County Council is the Local Transport Authority responsible for the Local Transport Plan which sets out the transport strategy for the county including Worthing and related implementation programmes. This includes provision to accommodate the cumulative harmful effects of new development on the transport network and transport conditions. In part, the programme relies on and anticipates external funding and developers undertaking appropriate works in kind to secure this. In accordance with adopted Worthing Borough Council Supplementary Planning Guidance Parking Standards & Transport Contributions and West Sussex County Council Supplementary Planning Guidance Revised County Parking Standards and Transport Contribution Methodology a financial sum of £2,400 would represent a suitable and proportionate contribution from this proposal to the development and implementation of such a programme for the local area in view of the development's harmful impacts on the local transport network and local transport conditions. This financial contribution should be secured by a planning obligation in the form of a unilateral undertaking. Alternatively, at the discretion of the Local Planning Authority, any necessary works as may be agreed with the Local Planning Authority and Local Transport Authority may be undertaken in kind by the developer under appropriate license and authorization. All communication in respect of the above with a view to discharge of condition 12 shall be through the Local Planning Authority

2. The Waste Strategy Manager's advice for dealing with flats is that wherever possible, buildings comprising 4 household units or less should have individual wheeled bin collections. Communal facilities may need to be provided where there are 4 or more units. Further information can be obtained from Paul Willis, Waste Strategy Manager, Adur and Worthing Services, Commerce Way, Lancing, BN15 8TA (Tel:- 01273 263052).

3. The applicant is advised to liaise closely with the Council's Food and Occupation Health Team in respect of the concerns raised with regard to the adequacy of the toilet provision shown on the submitted plan for the number of covers, and also in respect of the details required to discharge conditions 3 and 4 of this permission regarding storage of commercial waste and a satisfactory scheme for the extraction and disposal of cooking smells and odours (Contact: Alison Lindley, Senior Environmental Health Officer, 01903 221318).

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4. The proposed development would not detract from the primary retail function, vitality and viability of this part of the Central Shopping Area (Zone B). It would help meet the need for additional housing, making efficient and effective re-use of existing buildings without detracting from the character or appearance of the South Street Conservation Area, or harming the setting of the attached listed building. The development can take place without resulting in unacceptable detriment to the amenities of neighbouring properties and without detraction from highway safety.

5. The applicant is advised to liaise with the WSCC Highway Manager to agree the traffic management measures required in Ann Street during the demolition and construction works (Contact: Barry Candy, Southern Area Office Tel:- 01243 642105).

INFORMATIVES

The decision to grant planning permission has been taken having regard to the saved policies and proposals in the Worthing Local Plan 2003 and the West Sussex Structure Plan 2001 – 2016 set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

Saved Worthing Local Plan Policies 2003

BE1 - Design Quality
H13 - Conversion to Flats and HMOs
H18 - Amenity of Residents
RES7 - Control of Polluting Development
RES12 - Provision of Infrastructure
S10 - Ground Floor Uses, Secondary Area, Central Shopping Area

Saved West Sussex Structure Plan Policies 2001 – 2016

CH1 - Character
CH4 - Conservation areas and historic towns and villages
CH5 - Buildings of architectural or historical importance
DEV1 - High Quality Development
DEV3 - Infrastructure requirements
DEV4 - Travel needs and choices
DEV5 - Parking Provision
LOC1 - Locational strategy
NE1 - Level of residential and employment development
NE13 - Transport
NE14 - Walking, cycling and mobility

This information is only intended as a summary of the reasons for grant of planning permission. For further details on the decision please see the application report which is available from the Planning Reception at Portland House, Richmond Road, Worthing.