Adur District Council

Development Management

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PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/1480/16

Details of Development
CHANGE OF USE OF GROUND FLOOR FROM CAR SHOWROOM TO USE CLASS D2 (ASSEMBLY AND LEISURE) SPORTS AND FITNESS CENTRE.

Location of Development
394 - 398 BRIGHTON ROAD SHOREHAM-BY-SEA WEST SUSSEX BN43 6RT

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 14th October 2016.

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
03/01/2017

Ref: AWDM/1480/16

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		05.12.2016
TRANSPORT REPORT	Nov 2016	01.12.2016
PROPOSED PLANS	02 Rev C	22.12.2016
LOCATION PLAN		14.10.2016
BLOCK PLAN		14.10.2016
WASTE & MANAGEMENT STATEMENT		14.10.2016
EXISTING PLANS & SECTIONS	01 Rev A	14.10.2016

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 part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan attached as an appendix to the Transport Report dated November 2016. These spaces shall thereafter be retained at all times for their designated purpose, i.e. for disabled users and staff only

Reason: *In the interest of road safety and to provide car parking spaces for the use.*

04. The premises shall be used only as a sports and fitness centre and for no other purpose within Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any Statutory Instrument revoking and re-enacting that Order with or without modification).

Reason: *In the interests of amenity having regard to saved policy AG1 of the Adur District Local Plan.*

05. The premises shall not be open to the public except between the hours of 06.00am and 10.00pm Mondays to Saturdays and 08.00am and 06.00pm on Sundays and Public Holidays.

Reason: *In the interests of amenity having regard to saved policy AG1 of the Adur District Local Plan.*

06. The use hereby approved shall not commence until the sound insulation of the ceiling has been improved in full accordance with the method set out at section 10.1 of the Noise Assessment and the works have been inspected and approved by Council Officers.

Reason: *In the interest of amenity having regard to saved policy AG1 of the Adur District Local Plan.*

07. The music system for the dance studio shall be fitted with an electronic in-circuit device noise limiter (to ensure that the music noise level does not exceed 75dB(A). The limiter shall be installed and maintained in accordance with the manufacturers recommendations. Before the dance studio is brought into use an assessment shall be carried out to ensure that the music noise level is inaudible inside any neighbouring residential property, with the results submitted to the Local Planning Authority. Dance studio instructors shall not communicate through a microphone during sessions. All speakers shall be fitted using anti-vibration wall mounts.

Reason: *In the interests of amenity having regard to saved policy AG1 of the Adur District Local Plan.*

08. Weights shall only be dropped on to mats comprising multiple noise resilient layers as recommended in section 10.4 of the Noise Assessment and use shall not commence until such mats have been installed.

Reason: *In the interests of amenity having regard to saved policy AG1 of the Adur District Local Plan.*

09. All weight-training machines and free weight-lifting activities shall be located in the east side of the gym, furthest from the party wall with the flat above

Reason: *In the interests of amenity having regard to saved policy AG1 of the Adur District 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. 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, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel 0330 303 0119) or www.southernwater.co.uk

03. 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 discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.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 you want to appeal, then you must do so within six months, 12 weeks for a minor commercial (shop front) of the date of this notice. Appeals must be made using a form which you can get from the Secretary of State online at https://acp.planninginspectorate.gov.uk or at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000).

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.

7. 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.

8. Further correspondence about this application should quote the reference number at the top right hand corner of the form.

9. 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).