WORTHING BOROUGH COUNCIL

Mr Tom Cairns
Three Percent Ltd
113 South Street
Tarring
Worthing
BN14 7ND

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/1400/23

Details of Development
PARTIAL CHANGE OF USE FROM EXISTING CLASS E(B) CAFE SPACE TO SUI GENERIS DRINKING ESTABLISHMENT WITH EXPANDED FOOD. RETAINED, REDUCED HAIRDRESSING AREA ON FIRST FLOOR, SMALL INTERNAL RECONFIGURATION TO INCLUDE ADDITIONAL WC, COLD SPACE TO GARAGE AND ERECTION OF FENCE BETWEEN THE BUILDING AND GARAGE (SOUTH ELEVATION).

Location of Development
2 HIGH STREET WORTHING WEST SUSSEX

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 January 2024.

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

G Peck

Gary Peck
Head of Planning & Development
09/05/2025

Adur & Worthing Councils, Development Management, Place Directorate,
Worthing Town Hall, Chapel Road, Worthing, West Sussex, BN11 1HA
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
SOUTH ELEVATION PROPOSED	P08e	21.01.2025
WEST ELEVATION PROPOSED	P10c	21.01.2025
SITE PROPOSALS	P11f	21.01.2025
SOUTH ELEVATION WITH GARAGE PROPOSED	P13c	21.01.2025
PROPOSED NEW DOOR SOUTH ELEVATION	P23b	21.01.2025
COURTYARD TREATMENT	P22b	21.01.2025
PROPOSED NEW DOOR INTERNAL DETAILING	P24a	21.01.2025
PHOTO SHEET	P28	21.01.2025
DESIGN & ACCESS STATEMENT	REV C	31.03.2025
FIRST FLOOR PLAN EXISTING	P05b	10.12.2024
SOUTH ELEVATION EXTERNAL PAINTED DECORATION	P14d	24.10.2024
GROUND FLOOR PLAN EXISTING	P03b	24.10.2024
FIRST FLOOR ACOUSTIC TREATMENTS	P27a	24.10.2024
SITE LOCATION PLAN	P01b	24.10.2024
SITE BLOCK PLAN	P02b	24.10.2024
GROUND FLOOR PLAN PROPOSED	P04e	24.10.2024
FIRST FLOOR PLAN PROPOSED	P06e	24.10.2024
SOUTH ELEVATION EXISTING	P07b	24.10.2024
WEST ELEVATION EXISTING	P09b	24.10.2024
SOUTH ELEVATION WITH GARAGE EXISTING	P12b	24.10.2024
GROUND & FIRST FLOOR FLOATING FREEHOLD ARRANGEMENT	P18	24.10.2024

Reference/Drawing Number	Version	Date Rec
PROPOSED ACCESS ROUTES	P19a	24.10.2024
FENCE & GATE PROPOSALS	P20	24.10.2024
FENCE & GATE PROPOSALS WITH PHOTOS	P21	24.10.2024
FIRST FLOOR PROPOSED NEW PARTIONING	P25a	24.10.2024
EXTERNAL DECORATION PROPOSED	P26	24.10.2024
NOISESTOP F7 PLUS UNDERLAY	PERFORMANCE DATA	02.10.2024

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. The drinking establishment use hereby permitted shall not be open for trade or business except between the following hours:-

Inside
10.00 and 22.00 Wednesday to Saturday
12.00 and 20.00 Sunday and Bank Holidays.

External garden areas
10.00 and 20.00 Wednesday to Saturday
12.00 and 18.00 Sunday and Bank Holidays.

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

04. Open drinks are only permitted inside the premises and outside within the external seating areas in accordance with the specified opening hours for these areas and are not permitted on the public pavement at any time.

Reason: *To safeguard the amenities of the occupiers of nearby properties having regard to policy DM5 of the Worthing Local Plan.*

05. The proposed sound insulation scheme as detailed on Plan reference: P27a, P04e and P25a shall be implemented as described prior to first use of the drinking establishment. On completion of these works and before the business opens, sound insulation tests, covering both airborne and impact sound testing, shall be carried out to demonstrate the effectiveness of the works in reducing airborne and impact noise as set out on the approved plans. For this purpose the sound insulation between the new business and residential use, shall meet the sound insulation criteria for a new build property as outlined by the current Approved

Document E. These sound insulation measures shall be retained permanently thereafter, unless the Local Planning Authority gives prior written approval for any variation

Reason: *To safeguard the amenities of neighbouring occupiers having regard to policy DM5 of the Worthing Local Plan.*

06. The use hereby permitted shall not be carried out unless and until a Noise Management Plan identifying the main sources of noise and methods of controlling them has been submitted to and approved in writing by the Local Planning Authority. Thereafter the Noise Management Plan shall be permanently adhered to at all times the premises is open for business.

The Noise Management Plan should include:
- Details of signage
- Monitoring with intervention when necessary
- Smoking restrictions and management
- No drinks on pavement
- Any noise complaints to be investigated and the Management Plan reviewed if necessary.
- No music or fruit/gaming machines or TV Broadcast
- Bottles to be disposed of during daytime hours, and waste collection of bottles should be arranged for day time hours.

Reason: *To safeguard the amenities of neighbouring occupiers having regard to policy DM5 of the Worthing Local Plan.*

07. Only unobtrusive ambient/background music shall be played within the premises within opening hours. For this purpose the music noise level shall not exceed 70dB (LAeq1min) 1m from any speaker inside the premises

No live music shall be played or TV broadcast permitted at any time. Also no music or amplified sound shall be played in outdoor areas

Reason: *To restrict noise and to safeguard the amenities of the occupiers of nearby properties having regard to policy DM5 of the Worthing Local Plan.*

08. No development shall be carried out unless and until details of all surfacing within the south courtyard area, including a sample of the paving (which must either be permeable or retain all existing permeable areas), a plan layout of the proposed paving to incorporate and retain all existing surface water drainage features and a statement to confirm all measures in place to facilitate surface water drainage, has been submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved details and maintained as approved thereafter unless otherwise agreed in writing.

Reason: *To retain the surface water drainage measures on site and to protect the historic character of the listed building and conservation area having regard to policies DM20, DM5 and DM24 of the Worthing Local Plan.*

09. There shall be no primary cooking carried out on the premises.

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

10. Deliveries and collections, to and from the premises, including bottle recycling and refuse, shall be made only between the hours of 08.00 and 18.00 Monday to Saturday and at no time on Sundays or Bank Holidays.

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

11. The proposed use shall not provide more than 60 covers in total (indoors and outside).

Reason: *To control the scale of operations and safeguard the amenity of the adjoining residential properties in accordance with policy DM5 of the Worthing Local Plan.*

12. The hairdresser use shall not be open for trade or business except between the following hours:

08.30 to 18.00 - Tuesday to Saturday (and up to 20.00 on Wednesday).

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

13. Notwithstanding the details provided, prior to the installation of any external mechanical vent, condenser or extractor unit, details, including the acoustic performance, location and external appearance of the unit shall be submitted to and approved in writing by the Local Planning Authority. Once approved and installed, the unit shall be maintained in accordance with the approved details for the duration of its use.

Reason: *To safeguard the amenities of neighbouring occupiers and the setting of the listed building having regard to policies DM5 and DM24 of the Worthing Local Plan.*

Ref: AWDM/1400/23

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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).