WORTHING BOROUGH COUNCIL

Mr Kenan Kara
Advance Architecture
352 Green Lanes,
Palmers Green
London
N13 5TJ

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/1619/24

Details of Development
CHANGE OF USE FROM CAFE AND ESCAPE ROOM TO RESTAURANT (USE CLASS E) WITH EXTERNAL EXTRACT DUCTING

Location of Development
24 - 26 PORTLAND ROAD WORTHING WEST SUSSEX BN11 1QN

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 2nd January 2025.

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
11/02/2025

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
GIGABOX		02.01.2025
METAL CASED DISCARBS		02.01.2025
SILENCER		02.01.2025
DESIGN & ACCESS STATEMENT		02.01.2025
EXISTING DUCTING		02.01.2025
ODOUR MANAGEMENT PLAN, VENTILATION & IMPACT STATEMENT		02.01.2025
EXISTING PLANS	P100	02.01.2025
EXISTING PLANS	P101	02.01.2025
PROPOSED PLANS	P102	02.01.2025
PROPOSED PLANS	P103	02.01.2025
LOCATION PLAN	P104	02.01.2025
PROPOSED BLOCK PLAN	P105 R1	02.01.2025

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 restaurant use hereby permitted shall not be open to customers except between the hours of 09.00 and 10.00pm.

Reason: *In the interests of amenity having regard to policies DM5 and DM22 of the Worthing Local Plan.*

04. The kitchen extract/ventilation equipment hereby approved shall be fully installed in accordance with the approved details before the use hereby permitted begins and shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

Reason: *In the interests of residential amenity having regard to policies DM5 and DM22 of the Worthing Local Plan.*

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking and re-enacting that Order with or without modification), except as approved under this permission no external plant or machinery shall be installed, erected or replaced on the application site.

Reason: *In the interests of amenity and the environment and to comply with policies DM5 and DM22 of the Worthing Local Plan.*

06. No deliveries to or collections from the premises shall take place other than between 07:00 and 20:00 hours Monday to Saturday and between 10:00 and 18:00 hours on Sundays and Bank/Public Holidays.

Reason: *In the interests of amenity having regard to policies DM5 and DM22 of the Worthing Local Plan.*

07. No bottles shall be placed into any outside receptacles after 22:00 hours of before 07:00 hours on any day.

Reason: *In the interests of amenity having regard policies DM5 and DM22 of the Worthing Local Plan.*

08. Only unobtrusive background music shall be provided in the premises. For this purpose the music noise level shall not exceed 75dB (LAeq15min), anywhere within the premises.

Reason: *To safeguard the amenities of the occupiers of nearby properties having regard to policies DM5 and DM22 of the Worthing Local Plan.*

09. No plant or equipment hereby approved, including the kitchen ventilation and extraction system, shall be operated on the premises except between the approved operating hours.

Reason: *To safeguard the amenities of the occupiers of neighbouring properties having regard to policies DM5 and 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 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 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

03. Informative 1: We have identified the site is adjacent to a high surface water flood risk therefore the applicant should consider creating an emergency plan to ensure safe access and egress routes can be achieved.
Reason
To prevent flooding in accordance with National Planning Policy Framework paragraphs 165-175 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage, and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development

Ref: AWDM/1619/24

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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).