WORTHING BOROUGH COUNCIL

Mr Chris Goodsall
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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/0596/23

Details of Development
CHANGE OF USE FROM BANK (USE CLASS A2) TO RESTAURANT (USE CLASS A3). APPLICATION TO VARY CONDITION NUMBER: 10 OF PREVIOUSLY APPROVED AWDM/1630/19: NO CUSTOMER TRADE OR BUSINESS SHALL TAKE PLACE ON THE PREMISES EXCEPT BETWEEN THE HOURS OF 07:00AM AND 20.00PM ON ANY DAY. AMENDMENT: TO BE ABLE TO BE OPEN BETWEEN 07.00AM TO 11.00PM SUNDAY TO WEDNESDAY AND BETWEEN 07.00AM TO 12.00AM THURSDAY TO SATURDAY.

Location of Development
CAFE 8 - 9 MONTAGUE PLACE WORTHING WEST SUSSEX BN11 3BG

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 9th May 2023.

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
11/09/2023

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
PLANT NOISE ASSESSMENT	10186.RP01.PNA.0	29.04.2020
PROPOSED EXTRACT DUCT SECTION	(03)-X-001 00	29.04.2020
PROPOSED GROUND FLOOR PLAN	B(A)31-FD20 Rev 01	11.02.2020
SYSTEMAIR DETAIL		23.01.2020
PROPOSED FIRST FLOOR PLAN	B(A)31-FD21 Rev 03	19.03.2020
PROPOSED REAR ELEVATION	B32-FD70 Rev C	19.03.2020
REAR PHOTO		23.01.2020
SYSTEMAIR	AW SILEO 450E4 AXIAL FAN	23.01.2020
DSM VENTILATION SYSTEM		23.01.2020
JASUN AIR FILTER		23.01.2020
BAFFLE FILTERS		23.01.2020
JASUN PANEL FILTER ENERGYSAVER		23.01.2020
SYSTEMAIR	K100 M SILEO	23.01.2020
SYSTEMAIR	LDK 50 SILENCER	23.01.2020
BLOCK PLAN	19002(00)-S-002	21.10.2019
PLANNING STATEMENT		21.10.2019
FRA		21.10.2019
LOCATION PLAN	19002(00)-S-001	21.10.2019
EXISTING BASEMENT PLAN	(00)-P-0B0 Rev P00	21.10.2019
EXISTING GROUND FLOOR PLAN	(00)-P-00G Rev P00	21.10.2019
EXISTING FIRST FLOOR PLAN	(00)-P-001 Rev P00	21.10.2019

Reference/Drawing Number	Version	Date Rec
PROPOSED BASEMENT PLAN	(03)-P-0B0 Rev P00	21.10.2019

Reference/Drawing Number	Version	Date Rec
SUPPORTING STATEMENT	B32-PR	09.05.2023
ACOUSTIC TECHNICAL NOTE	10186.ATN01.PCT.1	23.08.2023

Reason: *For the avoidance of doubt and in the interests of proper planning.*

03. No work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or on Public Holidays. On all other days such work shall only be implemented between the hours of 8am and 6pm.

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

04. The use hereby permitted shall be carried out in accordance with the approved sound insulation scheme and acoustic report reference 10186.ATN01.PCT.1 dated 27 July 2023 tested against the minimum airborne sound insulation value of 50dB (DnTw + Ctr dB).

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

05. 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.*

06. The use hereby permitted shall not commence unless and until the extract/ventilation plant and equipment has been installed in accordance with the Plant Noise Assessment reference 10186.RP01.PNA.0 dated 29 April 2020 including the recommended attenuator specification and mountings to control noise and vibration and shall be retained thereafter.

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

07. The development hereby approved shall be carried out in accordance with the recommendations of the approved Flood Risk Assessment.

Reason: *To minimise risk from flooding in accordance with policy DM20 of the Worthing Local Plan.*

08. The use hereby permitted shall not commence until the bin storage area has been provided in accordance with the approved details and shall be retained for that purpose thereafter.

Reason: *To ensure satisfactory facilities for the storage and disposal of refuse in the interests of hygiene and visual amenity having regard to policies DM5 and DM22 of the Worthing Local Plan.*

09. The external finish of the ducting hereby approved shall, prior to the commencement of the use hereby permitted, be completed to match as closely as possible in colour and finish the exterior render of the rear of the existing building.

Reason: *In the interests of visual amenity and to comply with policy DM5 of the Worthing Local Plan.*

10. No customer trade or business shall take place on the premises except between the hours of 07:00am and 11.00pm on Sunday to Wednesday and 07:00am and 12.00am on Thursday to Saturday.

The premises shall be emptied of customers 30 minutes outside of these hours.

All staff activity associated with the use shall cease at the premises within one hour of the closing time.

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

11. Deliveries/servicing shall not take place except between 07.30am and 20:00pm on any day.

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

12. 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.*

13. Only unobtrusive recorded background music shall be provided in the premises within the approved hours of operation. For this purpose the music noise level shall not exceed 75dB (LAeq15min) measured anywhere on the premises.

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 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. The applicant should be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner and operator of the premises.

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 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

04. 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

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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://acp.planninginspectorate.gov.uk.

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 on the same, or substantially the same, development as in the householder application within 2 years of the date the application was made, the period for receiving an appeal is within 28 days of the date on the decision notice or of the date by which the LPA should have decided the application. Where an enforcement notice was served after the decision notice was issued or after the end of the period the LPA had to determine the application, the period for receiving an appeal is within 28 days of the date the enforcement notice was served (unless this extends the normal 12 weeks deadline).