ADUR DISTRICT COUNCIL

Mr Chris Barker
ECE Planning Limited
Brooklyn Chambers
11 Goring Road
Worthing
West Sussex
BN12 4AP

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/0670/19

Details of Development
CHANGE OF USE OF PART OF GROUND FLOOR FROM RETAIL (A1 CLASS USE) TO GYM (D2 CLASS USE) WITH 17 PARKING SPACES

Location of Development
79 - 81 BRIGHTON ROAD SHOREHAM-BY-SEA 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 18th April 2019.

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
19/06/2019

Adur District 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
MARKETING REPORT	Warwick Baker Est Agent	18.04.2019
NOISE ASSESSMENT	J2607 Issue 1	18.04.2019
PLANNING STATEMENT	April 2019	18.04.2019
LOCATION PLAN	Dwg No (PL)01	18.04.2019
EXISTING GROUND FLOOR PLAN	Dwg No (PL)03 (1:200)	18.04.2019
EXISTING GROUND FLOOR PLAN	Dwg No (PL)04 (1:100)	18.04.2019
EXISTING ELEVATIONS	Dwg No (PL)05	18.04.2019
PROPOSED ELEVATIONS	Dwg No (PL)07 Rev A	18.04.2019
PROPOSED GROUND FLOOR PLAN	Dwg No (PL)06 Rev 6	02.05.2019
PROPOSED BLOCK PLAN	Dwg nom(PL)09 Rev A	02.05.2019

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. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 as amended and any future amendments or revocation and the Town and Country Planning (General Permitted Development) Order 2015 as amended and any future amendments or revocation, the property shall not be used for any purpose other than a gymnasium (Use Class D2) except by express prior approval of the Local Planning Authority in writing.

Reason: *To retain control over such future changes in the interest of neighbour amenity in accordance with policy 15 of the Adur Local Plan.*

/Contd …

04. The use and allied plant and equipment shall not operate other than in full accordance with the Noise Assessment dated 18/04/2019 by Acoustic Associates Sussex Ltd received 18 April 2019 including all of the mitigation measures as set out in section 8 of the report.

Reason: *In the interests of neighbour amenity in accordance with policies 15 and 34 of the Adur Local Plan.*

05. No use shall commence until the scheme for isolating the windows from the first floor slab as identified in paragraph 14 of section 8 of the Noise Assessment dated 18/04/2019 by Acoustic Associates Sussex Ltd received 18 April 2019 has been submitted to and agreed with the Local Planning Authority prior to installation. The agreed details shall be implemented in full prior to the commencement of the use and retained thereafter.

Reason: *In the interests of neighbour amenity in accordance with policies 15 and 34 of the Adur Local Plan.*

06. The use shall not commence until full details of the air conditioning units and their operating specifications have been submitted to and agreed in writing with the Local Planning Authority prior to their installation. The air conditioning units shall thereafter be installed and operated in accordance with the agreed details.

Reason: *In the interests of neighbour amenity in accordance with policies 15 and 34 of the Adur Local Plan.*

07. The use shall not commence until the car and cycle parking spaces and access facilities required under planning permission AWDM/0501/12 have been provided and are available for use in full accordance with the approved plans submitted with that application, and with 17 parking spaces allocated for users of the gym as shown on drawing no. (PL) 09 Rev A received 2 May 2019.

Reason: *In the interests of amenity and highway safety and having regard to policy 28 of the Adur Local Plan and the National Planning Policy Framework.*

08. The use shall not commence until the flood defence works required under planning permission AWDM/0501/12 have been completed in full accordance with the approved plans submitted with that application.

Reason: *To demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere in accordance with the principles of the National Planning Policy Framework and policy 36 of the Adur Local Plan.*

/Contd …

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.

Ref: AWDM/0670/19

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

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 of the date of this notice, using a form which you can get from the Planning Inspectorate at Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

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.

6. If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Purchase Notices

7. 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.

8. 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.

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

10. 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).