WORTHING BOROUGH COUNCIL

Mrs Derya Teke
The Space Studios BTN
St James's Street
Swallows Rise
Brighton
BN2 1TP

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/0704/23

Details of Development
PROPOSED APPLICATION FOR A CHANGE OF USE FROM RETAIL UNIT TO RESTAURANT AND PROPOSED NEW EXTRACTION FLUE TERMINATING ON ROOF.

Location of Development
UNIT 3 THE MONTAGUE CENTRE LIVERPOOL ROAD 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 12th June 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
04/09/2023

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
BLOCK PLAN		12.06.2023
LOCATION PLAN		12.06.2023
EXISTING PLANS & ELEVATIONS	01	12.06.2023
NOISE IMPACT ASSESSMENT	ISSUE 01	09.08.2023
PROPOSED PLANS & ELEVATION	03 AUG 2023	09.08.2023

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 extraction and ventilation system shall be implemented in accordance with the submitted equipment schedule/drawings and Noise Report (by DAAGroup dated 6th June 2023) including all the recommended noise mitigation measures prior to commencement of use of the restaurant. The acoustic attenuation shall thereafter be retained and the plant and equipment maintained in accordance with the manufacturer's instructions.

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

04. At no time shall any part of the kitchen extraction flue outlet/terminus, including any associated cowl, be installed to be taller than, or project above the top of the adjacent (West) parapet wall of the Montague Centre.

Reason: *In the interests of visual amenity and to safeguard the setting of the nearby Grade II* Listed Desert Quartet Sculptures in accordance with policies DM5 and DM24 of the Worthing Local Plan.*

05. No customer trade or business shall take place on the premises except between 09:00hrs and 23.00hrs on Monday to Friday, between 09.00hrs and 24.00hrs (Midnight) on Saturdays and between 09:00hrs and 22:00hrs on Sundays, Bank and Public Holidays.

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.*

06. No deliveries to, collections from, or servicing of the premises shall take place except between 07:00hrs and 21:00hrs on Monday to Saturday and between 10:00hrs and 18:00hrs on Sundays, Bank and Public Holidays.

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

07. No plant or equipment, including the kitchen ventilation and extraction system, shall be operated on the premises except between the approved operating hours as specified in condition 5 of this permission.

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

08. No bottles shall be placed into any outside receptacles after 21.00 hours or before 07:00 hours on any day.

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

09. Prior to commencement of the restaurant use a Management Plan detailing measures (including collection procedures and operational protocols) to manage takeaway food delivery collections from the restaurant premises (including delivery collections undertaken by any third party operators) shall be submitted to and approved in writing by the Local Planning Authority. The agreed Management Plan shall be operated at all times the premises is open for business.

Reason: *To safeguard the amenities of nearby residential occupiers in accordance with policy DM5 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 is advised that:-

The submitted plans show insufficient toilets for members of the public. Any major refurbishment, which includes this application, should consider providing an accessible toilet. There is a shortfall of 2 WCs and 1 urinal short of Adur and Worthing Council's standard. It is the Food Business Operator's obligation to meet requirements of the Local Government (Miscellaneous Provisions) Act 1976, Section 20. Adur and Worthing Council's minimum standard is that 1 WC equates to a maximum of 24 covers and there are 54 covers on the plan.

The Food Business Operator will be required to register the food business, 28 days before trading. The link to the Council's online food premises registration can be found here:
https://www.adur-worthing.gov.uk/businesses/environmental-health/food/starting-up-a-food-business/

03. Southern Water

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

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

It should be noted that under the Water Industry Act 1991 it is an offence to "Throw, empty, turn or permit to be thrown or emptied or to pass into any drain or sewer connecting with a public sewer any matter likely to injure the sewer or drain or to interfere with the free flow of its contents."

It is possible a sewer now deemed to the public could be crossing the development site.

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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).