WORTHING BOROUGH COUNCIL

Miss Anya Clayton
JAGMaK Limited
332 Goring Road
Worthing
West Sussex
BN12 4PE

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/0417/25

Details of Development
PROPOSED CHANGE OF USE FROM CLASS E TO SUI GENERIS (DRINKING ESTABLISHMENT, EATERY AND DELI) WITH OUTSIDE SEATING AREA

Location of Development
332 GORING ROAD WORTHING WEST SUSSEX BN12 4PE

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 4th June 2025.

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
04/09/2025

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
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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
KITCHEN VENTILATION - KITCHEN PLAN	T9459/02	04.06.2025
PLANNING STATEMENT	27/5/25	04.06.2025
FIRE STATEMENT	27/03/2025	04.06.2025
PRE-OCC SURVEY	27/03/2025	04.06.2025
LOCATION PLAN	1:1250	04.06.2025
EXTG & PROPOSED GROUND FLOOR PLAN	1638/P01	04.06.2025
PROPOSED DETAILS OF KITCHEN VENTILATION	T9459/01	04.06.2025
KITCHEN VENTILATION - STORE ROOM PLAN	T9459/03	04.06.2025
KITCHEN VENTILATION - SECTION A-A	T9459/04	04.06.2025
KITCHEN VENTILATION - SECTION B-B	T9459/05	04.06.2025
CANOPY FILTER	Sketch	04.06.2025
CANOPY IMAGE	Sketch	04.06.2025
EXTRACTION FAN	Image	04.06.2025
EXTERNAL DETAILS	Image	04.06.2025
INTERNAL DETAILS	Image	04.06.2025
OUTSIDE FRONTAGE	Image	04.06.2025
Sound Insulation Pre-Test and Advice Acoustic report	J4075 Issue 1	26.08.2025
PLANT NOISE ASSESSSMENT	8368_001R_1-0_JN	29.07.2025

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. Before the use hereby permitted commences, the sound insulation scheme, outlined in the Acoustic South East report, Project Reference J4075 dated the 22nd August 2025, shall be implemented, and following implementation of this acoustic scheme, a sound insulation test shall be carried out to demonstrate that the scheme achieves a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB) and the test results shall be submitted to the Local Planning Authority for approval.

Reason: *In the interest of preserving the residential amenity of the occupiers of the upper floor of the building having regard to policy DM5 of the Worthing Local Plan.*

04. 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 customer signage
- Monitoring with intervention when necessary
- Smoking restrictions and management
- Use of the outdoor seating area
- Any noise complaints to be investigated and the Management Plan reviewed if necessary.
- Bottles to be disposed/collected during daytime hours.
- Live music
- Anti-social behaviour prevention

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

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

Tuesday to Saturday: 9 am - 11 pm
Sunday, Monday and Bank Holidays: 10 am - 8 pm

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

06. Use of the outdoor seating area, hereby permitted, shall cease at 10pm Tuesday to Saturday and 7pm on Sunday, Monday and Bank Holidays.

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

07. Live music performances within the premises shall be limited to twice a week and shall cease by 10pm Tuesday to Saturday and 7pm on Sunday, Monday and Bank Holidays.

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

08. Deliveries and collections, to and from the premises, including bottle recycling and waste and recycling, 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.*

09. An active shop front shall be maintained at all times that the premises is open for trade and business.

Reason: *To ensure the vitality of the shopping centre having regard to policy DM13 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 portion of the land proposed to be used as outdoor eating appears as though it could overlap with the Publicly Maintained Highway as exact dimensions have not been provided. Any items placed within the public highway are not to be permanently fixed and are to be removable. This is to permit the maintenance of the public highway and to ensure that a permanent obstruction does not result. A separate Licence agreement will be required to be entered into, please refer to guidance at https://www.adur-worthing.gov.uk/aboards-tables-chairs/ for more information.

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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).