ADUR DISTRICT COUNCIL

Mr Bektas Uzun
ADA Group
453 West Green Road
London
N15 3PW

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/0588/20

Details of Development
CHANGE OF USE FROM RETAIL (A1) TO HOT FOOD TAKEAWAY (A5) WITH EXTRACTION FLUE TO NORTH ELEVATION. (RE-SUBMISSION OF AWDM/1815/19).

Location of Development
374 BRIGHTON ROAD SHOREHAM-BY-SEA WEST SUSSEX BN43 6RE

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 14th April 2020.

This is for reasons stated on the schedule overleaf and subject to compliance with the conditions specified thereon.

GPeck

Gary Peck
Planning Services Manager
17/07/2020

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
LOCATION PLAN		14.04.2020
PROPOSED (EAST) SECTION	BR-2811-PES	14.04.2020
PROPOSED SIDE ELEVATION	BR-1410-PSE	14.04.2020
PROPOSED NORTH ELEVATION	BR-2811-PNE	14.04.2020
EXISTING SIDE ELEVATION	BR-1410-ESE	14.04.2020
EXISTING REAR ELEVATION	BR-1410-ERE	14.04.2020
EXISTING & PROPOSED GROUND FLOOR	BR-2811-EPGF	14.04.2020

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 use hereby permitted shall not be carried on unless and until details of a suitable system for the extraction and disposal of cooking odours (including details of the extract fans, filters, fan units and ducting together with method of noise abatement, as well as details of grease traps and extraction hoods) has been submitted to and approved in writing by the Local Planning Authority. The equipment approved under this condition shall be installed before the use hereby permitted commences and thereafter shall be maintained in accordance with the manufacturer's instructions.

Reason: *To safeguard the residential amenity of the area in accordance with policies 1, 15, and 34 of the Adur Local Plan.*

04. No plant or equipment, including the kitchen ventilation and extraction system, shall be operated on the premises except between the hours stipulated in condition no. 6 of this permission.

Reason: *To safeguard the residential amenity of the area in accordance with policies 1, 15 and 34 of the Adur Local Plan.*

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05. The use hereby permitted shall not commence unless and until an insulation scheme for protecting the first floor residential unit from noise has been submitted to and approved by the local planning authority. The scheme shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB) for all floors. Following approval and implementation of the scheme, a test shall be undertaken to demonstrate that the attenuation measures carried out as part of the approved scheme are effective and achieve the specified criteria. All works, which form part of the approved scheme, shall be completed before the use commences.

Reason: *To safeguard the residential amenity of the area in accordance with policies 1, 15, and 27 of the Adur Local Plan and the NPPF.*

06. The premises shall not be open for trade or business other than between the hours of 1100 and 2300 on any day and all activity associated with the use shall cease at the premises within half an hour of this closing time.

Reason: *In the interests of amenity having regard to policies 15 and 34 of the Adur Local Plan.*

07. Deliveries to and collections from the commercial unit shall only be made between the hours of 07.00 and 20.00 Monday to Saturday and 09.00 to 18.00 on Sundays.

Reason: *In the interests of amenity having regard to policies 15 and 34 of the Adur Local Plan.*

08. The use hereby approved shall not commence until details of facilities for storing refuse and waste, including for waste that can be recycled, have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: *In the interests of amenity.*

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. The Sussex Police advise that thought should be given to the siting of CCTV and an intruder alarm. CCTV will ultimately act as a visual deterrent and assist in offender identification should a crime occur.

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Further details regarding CCTV and Data Protection can be found at the Information Commissioners Office website at:

https://icosearch.ico.org.uk/s/search.html?query=CCTV&collection=ico-meta&profile=_default

CCTV guidance for police requirements:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/378449/09-05-UKPolice-Requireme22835.pdf

Also thought should also be given to a suitably designed, fit for purpose, monitored intruder alarm system. I therefore refer the applicant to page 49 paragraphs 64.1 and 64.2 Secured by Design Commercial Developments 2015 guide.

Ref: AWDM/0588/20

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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 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).