ADUR DISTRICT COUNCIL

Denis Feimov
Fireaway pizza
3-4 Queensway
West Sussex
Lancing
BN15 9AY

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/0256/22

Details of Development
RETROSPECTIVE APPLICATION FOR RETENTION OF HOT FOOD TAKEAWAY (USE CLASS SUI GENERIS).

Location of Development
3 - 4 QUEENSWAY NORTH ROAD LANCING WEST SUSSEX BN15 9AY

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 28th February 2022.

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
10/05/2022

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
NORTH & SOUTH ELEVATIONS	WD-27022	28.02.2022
CYLINDRICAL CASED AXIAL FLOW FANS BROCHURE		28.02.2022
FLOOR PLAN	WD-27022	28.02.2022
LOCATION PLAN		28.02.2022
BLOCK PLAN		28.02.2022

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

02. Within 3 months from the date of this permission, an impact assessment of the noise from the kitchen extraction system on nearby residential properties shall be completed and submitted to the local planning authority. The scheme shall have regard to the principles of BS 4142:2014+A1:2019 and shall include a noise mitigation scheme to ensure there is no detrimental impact to the nearest residential dwellings. A test to demonstrate compliance with the scheme shall be undertaken before the use resumes. All plant shall be maintained in accordance with manufacturers guidance and any future plant shall also meet the specified levels within the approved scheme. All plant and duct work shall be fitted on anti-vibration mounts.

Reason: *In the interests of residential amenity and to comply with policies 15 and 34 of the Adur Local Plan.*

03. Within 3 months from the date of this permission 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 scheme shall have regard to the guidance contained within Adur and Worthing Councils Kitchen Extraction and Ventilation - Information & Guidance 2019. The equipment approved under this condition shall be installed within 3 months from the approval of the equipment and thereafter shall be maintained in accordance with the manufacturer's instructions.

Reason: *In the interests of amenity and to ensure the use of the site does not have a harmful environmental effect and in accordance with policies 15 and 34 of the Adur Local Plan.*

04. Within 3 months from the date of this permission an insulation scheme for protecting the upper 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. All works, which form part of the approved scheme, shall be completed within 3 months from the approval and implementation of the scheme.

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

05. The range of food sold at the premises shall be limited such that any frying of food shall be restricted to shallow frying only and at no time whatsoever shall a deep fat fryer or a chargrill be installed or utilised for the preparation of food at these premises without prior written approval of the Local Planning Authority.

Reason: *To prevent a potential future use of this premises which could give rise to higher levels of smoke and odour in accordance with policies 15 and 34 of the Adur Local Plan.*

06. No working, trade or business whatsoever (including arrival, reception or despatch of deliveries) shall take place on the premises except between the hours of:-

13.00 to 21.30 Sunday to Thursday inclusive
13.00 to 22.30 Friday to Saturday inclusive

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

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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 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).