ADUR DISTRICT COUNCIL

Miss Derya Yilmaz
FLAT 7 VILLA MARIA
3 THE LEES MANOR ROAD
BRIGHTON
BN2 5YU

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/1401/21

Details of Development
CHANGE OF USE FROM A1 FUNERAL DIRECTORS TO RESTAURANT AND HOT FOOD TAKEAWAY (SUI GENERIS) INCLUDING INSTALLATION OF EXTRACTION FLUE TO THE REAR.

Location of Development
67 - 69 NORTH ROAD LANCING WEST SUSSEX BN15 9AS

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 July 2021.

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
08/12/2021

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
PROPOSED PLANS & ELEVATIONS	01	11.10.2021
NOISE IMPACT ASSESSMENT	ISSUE 01	11.10.2021
BLOCK PLAN		28.07.2021
LOCATION PLAN		28.07.2021
EXISTING PLANS & ELEVATIONS	02	28.07.2021

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 full details of the means of extraction and disposal of cooking odours from the restaurant/takeaway (including details of extract fans, filters, internally located fan units and ducting together with a method of noise abatement, as well as details of grease traps and extraction hoods) and of any other external plant or equipment, have been submitted to and approved in writing by the Local Planning Authority. The equipment so approved shall be fully installed in accordance with the approved details before the use hereby permitted begins and shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

Reason: *To safeguard the amenities of nearby properties having regard to policies 15 and 34 of the Adur Local Plan.*

04. The details contained within the Noise Impact Assessment submitted 11th October 2021 shall be complied with prior to the commencement of the use hereby permitted and shall be adhered to at all times unless otherwise approved in writing by the Local Planning Authority.

Reason: *To protect the residential amenities of the occupiers of the adjacent dwelling and to accord with Policies 15 and 34 of the Adur Local Plan.*

05. The premises shall not be open for trade or business other than between the hours of
11:00 and 23:00 on Sunday - Thursday inclusive and
12:00 and 24:00 on Friday - Saturday
and all activity associated with the restaurant/ takeaway shall cease at the premises within half an hour of this closing time.

Reason: *To safeguard the residential amenities of the occupiers of the adjacent properties and to accord with Policies 15 and 34 of the Adur Local Plan.*

06. The application hereby approved shall not be implemented in combination with planning permission reference AWDM/1361/20.

Reason: *To safeguard the amenities of the current and future occupiers of the application site and neighbouring properties and to accord with policy 15 of the Adur 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.

Ref: AWDM/1401/21

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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).