WORTHING BOROUGH COUNCIL

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PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/0328/24

Details of Development
CONVERTING THE FABRIC SHOP INTO A MICRO PUB, CHANGE OF USE FROM CLASS E TO SUI GENERIS

Location of Development
13 STATION PARADE TARRING ROAD WORTHING WEST SUSSEX BN11 4SS

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 March 2024.

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
03/06/2024

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
EXISTING PLAN		14.03.2024
PROPOSED PLAN		14.05.2024
SUPPORTING STATEMENT		14.05.2024
LOCATION PLAN	1:1250	06.05.2024

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 commence unless and until 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 before the use commences.

Reason: *In the interest of preserving the residential amenity of the occupiers of the upper floors 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 adhered to at all times the premises is open for business.

The Noise Management Plan should include:

- Details of Signage
- Monitoring with intervention when necessary
- Number restricted to 5 smokers at any one time
- No drinks outside

- Any noise complaints to be investigated and the Management Plan reviewed if necessary.
- No music or fruit/gaming machines or TV Broadcast
- Doors and windows should be kept closed to restrict noise escape.
- Bottles to be disposed of during daytime hours, and waste collection of bottles should be arranged for day time hours.

Reason: *To adhere to the micro-pub concept and to safeguard the amenities of neighbouring occupiers having regard to policy DM5 of the Worthing Local Plan.*

05. Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times.

Monday - Friday 08:00 - 18:00 Hours
Saturday 09:00 - 13:00 Hours
Sundays and Bank Holidays no work permitted

Any temporary exception to these working hours shall be agreed in writing by the Local Planning Authority at least five days in advance of works commencing. The contractor shall notify the local residents in writing at least three days before any such works.

Reason: *To safeguard the residential amenity of the area having regard to policy DM5 of the Worthing Local Plan.*

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

2pm and 9.30pm Monday to Thursday
12pm and 10pm Friday and Saturday
12pm and 7.30pm Sunday and Bank Holidays.

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

07. Only unobtrusive background music shall be played within the premises within opening hours. For this purpose the music noise level shall not exceed 75dB (LAeq15min) anywhere 1m from any speaker inside the premises. No live music shall be played or TV broadcast permitted at any time.

Reason: *To restrict noise and to safeguard the amenities of the occupiers of nearby properties having regard to policy DM5 of the Worthing Local Plan.*

08. There shall be no preparation/cooking/heating-up of hot or cold food on the premises. No hot or cold food shall be served to customers on the premises (other than bar snacks).

Reason: *To safeguard the amenities of neighbouring residents in the absence of any system or scheme for the removal of food odours and to comply with policy DM5 of the Worthing Local Plan.*

09. Deliveries and collections, to and from the premises, including bottle recycling and refuse, 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.*

10. No outdoor tables and chairs in connection with the proposed use hereby permitted shall be placed on the adjacent public highway at any time except in an application on that behalf.

Reason: *For the avoidance of doubt and to safeguard the amenities of neighbouring residential and commercial occupiers having regard to policy DM5 of the Worthing Local Plan.*

11. Use of the rear covered yard area by customers is not permitted at any time.

Reason: *For the avoidance of doubt and to safeguard the amenities of neighbouring residential occupiers having regard to policy DM5 of the Worthing Local Plan.*

12. Open drinks are only permitted inside the premises and are not permitted outside at any time.

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

13. 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.*

14. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended or the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting that Order with or without modification, or any Statutory Instrument revoking and re-enacting that Order with or without modification), the premises shall only be used as retail and/or a micropub, as described in the supporting material submitted with the application and for no other purpose including as a

general drinking establishment, except by grant of a separate planning permission by the local planning authority.

Reason: *In the interest of amenity having regard to Policies DM5 and 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 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.

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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).