Worthing
BOROUGH COUNCIL

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Portland House
Richmond Road
Worthing BN11 1LF

APPLICATION NO. WB/09/0655/FULL

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT PROCEDURE ORDER 1995

Mrs Dawn Appleton
Henry Adams Planning Ltd
Rowan House
Baffins Lane
Chichester
West Sussex PO19 1UA

PROPOSAL: Change of use from class A1 (retail) to class A3 (restaurant) and installation of associated extraction system.

LOCATION : 20 - 22 Brighton Road Worthing

DATE REGISTERED 29th July 2009

APPLICANT : Mr L Kulick

WORTHING BOROUGH COUNCIL, under the above Act and Order, gives you notice that its decision upon your application described above and in the Site location plan, Existing floor plan, Proposed ground floor and Proposed kitchen extract ventilation Drawing No. M001/PL3 which accompanied the application, or as subsequently amended prior to consideration, is to

GRANT PERMISSION subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

   Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

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[redacted]

Dated : 15th September 2009

Executive Head of Planning,
Regeneration and Wellbeing

Note: Your attention is drawn to the notes and advice overleaf.

2. The premises shall not be open for trade or business except between the hours of 9 am and 11 pm on Mondays to Saturdays and 10 am and 10:30 pm on Sundays or on Bank or Public Holidays.

   Reason: To safeguard the amenities of the occupiers of neighbouring properties.

3. The use hereby permitted shall not be carried on unless and until the proposed kitchen extraction and ventilation system (including the extract fans, filters, acoustic shroud and in-line attenuator) has been implemented in accordance with the details shown and annotated on the approved Drawing No. M001/PL3, and details of the maintenance schedule of the kitchen extraction and ventilation system has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the kitchen extraction and ventilation system shall be operated in accordance with the agreed details and the agreed maintenance schedule.

   Reason: To safeguard the amenities of the occupiers of nearby properties.

4. The kitchen extraction and ventilation system shall only be operated during the hours of trade or business as stipulated in condition 2 of this permission.

   Reason: To safeguard the amenities of the occupiers of nearby properties.

5. The extraction ductwork sited on the single-storey rear roof gable and the vertical stack on the two-storey rear elevation shall be painted a neutral colour to be agreed in writing by the Local Planning Authority.

   Reason: To minimise the visual impact of the ductwork on the character and appearance of the area.

6. No loading/unloading, deliveries or collections shall take place except between the hours of 8 am and 6 pm (Monday to Saturday) and at no time on Sundays, Bank or Public Holidays.

   Reason: To safeguard the amenities of the occupiers of nearby properties.

7. The use hereby permitted shall not be carried on until details of the provision of public and staff toilets have been submitted to and approved in writing by the Local Planning Authority.

   Reason: To ensure satisfactory sanitary provision can be made on the premises.

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8. The rear door on the south elevation leading from the rear of the premises to the adjacent public footpath shall be kept closed at all times (other than for purposes of emergency escape from the building).

   Reason: To safeguard the amenities of the occupiers of nearby properties because noise emanating from the open door has the potential to be disturbing for nearby residents in Alfred Place.

9. The use hereby permitted shall not commence or be carried on unless and until the premises have been sound insulated to protect the upper floor flat from noise from the restaurant use (Class A3) in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority.

   Reason: To safeguard the amenities of the occupiers of neighbouring properties.

10. Prior to the use hereby permitted being carried on details of the provision for the storage of commercial refuse including food waste, within the site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the agreed storage provision shall be implemented and retained.

    Reason: To ensure hygienic provision can be made and to safeguard the amenities of the occupiers of neighbouring properties.

INFORMATIVES

1. There is no objection in principle to the proposed restaurant use (Class A3) within this part of the Central Shopping Area and notwithstanding the concerns raised by third parties, Committee Members resolved that subject to the recommended safeguards set out as conditions of planning permission the proposed use could take place without unacceptable detriment to the amenities of neighbouring residential occupiers, without detracting from the character or appearance of the Conservation Area (including the setting of the Listed Buildings, 22-24 Brighton Road) and without detriment to highway safety.

2. The decision to grant planning permission has been taken having regard to the saved policies and proposals in the Worthing Local Plan 2003 and the South East Plan 2009 set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

   Saved Worthing Local Plan Policies 2003

   BE1 - Design Quality
   H18 - Amenity of Residents
   RES7 - Control of Polluting Development
   S10 - Ground Floor Uses, Secondary Area, Central Shopping Area
   TR9 - Parking Requirements for Development

Cont.....

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South East Plan 2009

BE1 - Management for an Urban Renaissance
BE6 - Management of the Historic Environment
CC1 - Sustainable Development
CC6 - Sustainable Communities and Character of the Environment
T4 - Parking

This information is only intended as a summary of the reasons for grant of planning permission. For further details on the decision please see the application report which is available from the Planning Reception at Portland House, Richmond Road, Worthing.