ADUR DISTRICT COUNCIL

Mr Anthony Phebey
ADCS Ltd
30 FOXLEY LANE
Worthing
BN13 3AD

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/1391/23

Details of Development
CHANGE OF USE OF PART OF GROUND FLOOR TO CLASS E (24 HOUR GYM)

Location of Development
MARINER POINT 83 BRIGHTON ROAD SHOREHAM-BY-SEA WEST SUSSEX

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 6th October 2023.

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
04/09/2024

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
NOISE ASSESSMENT 10.07.2024	J3774/Gym Floor Issue 1	16.07.2024
GROUND FLOOR PLAN	1588/P03 Rev A	16.07.2024
NOISE ASSESSMENT	J3774 Issue 1	13.02.2024
8.5kW ECONOMY OUTDOOR UNIT R32 SINGLE PHASE	Air Con Specification	13.02.2024
LOCATION & BLOCK PLANS	1588/P01	06.10.2023
SITE PLAN	1588/P02	06.10.2023
FLOOD RISK ASSESSMENT	1588/P05	06.10.2023

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. All windows and doors shall be kept closed at all times other than when being used for means for access.

Reason: *In the interests of reducing noise and to protect residential amenity having regard to policy 34 of the Adur Local Plan.*

04. The recommendations in section 7 of the Acoustic South East noise report dated 6/2/24 and the Acoustic South East noise report relating to the gym acoustic floor system dated 10/7/24 shall be fully implemented (including installation of sprung floor system throughout the gym) prior to use and a test shall be carried out within 1 month of opening to demonstrate a noise level of 50DnT+Ctr in the nearest flats above the gym with the results submitted to the LPA for approval. If the noise level exceeds the permitted level then the gym may only operate between the hours of 0800 and 2200 until it can be demonstrated that the noise level is met.

Reason: *In the interests of neighbour amenity in accordance with policies 15 and 34 of the Adur Local Plan.*

05. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 as amended and any future amendments or revocation and the Town and Country Planning (General Permitted Development) Order 2015 as amended and any future amendments or revocation, the property shall not be used for any purpose other than a gymnasium (Use Class D2) except by express prior approval of the Local Planning Authority in writing.

Reason: *To retain control over such future changes in the interest of neighbour amenity in accordance with policy 15 of the Adur Local Plan.*

06. No fitness classes of any kind shall be run at the premises at any time.

Reason: *In the interests of reducing noise and to protect residential amenity having regard to policy 34 of the Adur Local Plan.*

07. No use shall commence until a scheme for isolating the windows from the first floor slab has been submitted to and agreed with the Local Planning Authority prior to installation. The agreed details shall be implemented in full prior to the commencement of the use and retained thereafter.

Reason: *In the interests of neighbour amenity in accordance with policies 15 and 34 of the Adur Local Plan.*

08. The use shall not commence until an independent stud wall lining has been installed on the party wall with the dental practice in accordance with details to be submitted and approved in writing by the Local Planning Authority. The agreed details shall be implemented in full prior to the commencement of the use and retained thereafter.

Reason: *In the interests of neighbour amenity in accordance with policies 15 and 34 of the Adur Local Plan.*

09. The use shall not commence until full details of the position and type of the air conditioning units and their acoustic specifications have been submitted to and agreed in writing with the Local Planning Authority prior to their installation. The air conditioning units shall thereafter be installed and operated in accordance with the agreed details.

Reason: *In the interests of neighbour amenity in accordance with policies 15 and 34 of the Adur Local Plan.*

10. The existing EV charging points shall at all times remain available to use by residents of Mariner Point and final details of the number and location of car parking spaces to be allocated to gym users shall be submitted to and approved in writing by the Local Planning Authority prior to the use commencing.

Reason: *In the interests of amenity and highway safety and having regard to policy 28 of the Adur Local Plan and the National Planning Policy Framework.*

11. The use shall not commence until details of additional cycle parking facilities to be provided for the gym users have been submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be provided prior to the use commencing and shall be retained thereafter.

    Reason: *In the interests of amenity and sustainability and having regard to policy 28 of the Adur Local Plan and the National Planning Policy Framework.*

12. The facility hereby approved shall not be used until a Noise Management Plan relating to the use of the facility has been submitted to and approved in writing by the Local Planning Authority. The Noise Management Plan shall include details of community liaison, complaints procedures, numbers of staff and gym Members and details of method of access and regulation during night time use. The approved Plan shall thereafter be adhered to at all times.

    Reason: *In the interests of residential amenity having regard to policy 34 of the Adur Local Plan.*

Ref: AWDM/1391/23

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

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).