WORTHING BOROUGH COUNCIL

Mr Tom French
Whaleback Planning & Design
28A High Street
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Hampshire
SO23 9BL

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/1033/23

Details of Development
PROPOSED CHANGE OF USE FROM PREVIOUSLY PERMITTED A3 RESTAURANT (CLASS E(B)) TO MIXED USE RESTAURANT (CLASS E(B)) AND COCKTAIL BAR (SUI GENERIS).

Location of Development
MACMILLANS BAR 3 UNION PLACE WORTHING WEST SUSSEX BN11 1LG

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 24th July 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
28/11/2023

Worthing Borough 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
EMAILS FROM JAMES FLITTON, ACOUSTIC CONSULTATNT, dated 23/11/23/ AND 24/11/23		
SITE & LOCATION PLAN	KD.1472_A.001	24.07.2023
EXISTING PLANS	KD.1472_A.100	24.07.2023
PLANNING STATEMENT	W2659	24.07.2023

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. The restaurant shall be open to customers only between the hours of 8am and 10pm except on Sundays when the restaurant may be open until 11pm. The cocktail bar use shall be open to customers between the following hours only:

Monday, Tuesday and Wednesday - 10pm to Midnight
Thursday - 10pm to 1am
Friday and Saturday - 10pm to 2.30am
Sundays 11pm to midnight

Reason: *In the interests of amenity having regard to saved policies SS3, DM5, DM13 and DM22 of the Worthing Local Plan.*

04. At no time shall the internal music noise level LAeq (5min) exceed 90dB measured 1m from any speaker.

Reason: *In the interest of neighbour amenity having regard to policies DM5 and DM22 of the Worthing Local Plan.*

05. No music of any type (live, non-amplified or amplified) nor TV broadcasts shall be played in any external part of the premises at any time.

Reason: *In the interests of amenity having regard to saved policies DM5 and DM22 of the Worthing Local Plan.*

06. Notwithstanding the hours referred to in condition 3 of this permission the external rear courtyard and rear first floor terrace shall not be used by customers after 11pm on any day or again before 8am the following day.

Reason: *In the interests of amenity having regard to saved policies DM5 and DM22 of the Worthing Local Plan.*

07. The arrival, reception or dispatch of deliveries to the premises shall only take place between the hours of 8am and 10pm on any day.

Reason: *In the interests of amenity having regard to saved policies DM5 and DM22 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.

Ref: AWDM/1033/23

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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).