ADUR DISTRICT COUNCIL

Mr A MARTIN
LYONDALE
Crown House
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DA1 1DZ

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/2012/21

Details of Development
CHANGE OF USE OF GROUND FLOOR FROM EXISTING CLASS E RETAIL UNIT INTO A HOT FOOD TAKEAWAY (USE CLASS SUI-GENERIS) TOGETHER WITH THE INSTALLATION OF AN EXTRACTION SYSTEM; A FLUE ON THE REAR ELEVATION; AND NEW SHOP FRONT

Location of Development
268 UPPER SHOREHAM ROAD SHOREHAM-BY-SEA WEST SUSSEX BN43 6BF

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 11th November 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
16/03/2022

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
EXTRACTION FAN MPS 450 E4 20 DETAILS	Fan for exhaust apps	24.02.2022
EXTRACTION ELEVATION SIDE VIEW		24.02.2022
NOISE IMPACT ASSESSMENT	104267 Issue 1	24.02.2022
CARBON FILTER SOLUTIONS	SECTION 6	24.02.2022
BIRDS EYE VIEW		24.02.2022
LINDAB/SAFE CIRCULAR DUCT SR		24.02.2022
ACCOUST NOTE	ph-104267-01	24.02.2022
LINDAB CIRCULAR STRAIGHT SILENCER SLU		24.02.2022
SITE LOCATION PLAN	Y965/2021/01	24.02.2022
BLOCK PLAN	Y965/2021/02	24.02.2022
GROUND FLOOR PLANS EXTG & PROPOSED	Y965/2021/03	24.02.2022
FRONT & REAR ELEVATIONS EXG & PROPOSED	Y965/2021/04	24.02.2022
EXTG LEFT & PROPOSED LEFT ELEVATIONS	Y965/2021/05	24.02.2022
EXTG RIGHT & PROPOSED RIGHT ELEVATIONS	Y965/2021/06	24.02.2022

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 external materials and finishes of the development hereby permitted shall, prior to commencement of use of the additional floorspace thereby created, be completed to match in design, colour and texture those of the existing building unless otherwise approved in writing by the Local Planning Authority.

Reason: *In the interests of visual amenity and to comply with policy 15 of the Adur Local Plan.*

04. The use hereby permitted shall include the sound insulation scheme, recommended by Acoustics Plus in their Noise Impact Assessment (ref. 104267.ph.Issue 1 dated 17.01.22), for protecting the upper floor residential unit from noise. The scheme shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB). Following implementation of the insulation scheme, a test shall be undertaken to demonstrate that the attenuation measures carried out has achieved the minimum airborne sound insulation criteria. The use of the development shall not commence until test results, demonstrating the minimum sound insulation criteria has been achieved, has been submitted to and approved by the local planning authority.

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

05. The use hereby permitted shall include the approved scheme for extraction and disposal of cooking odours submitted with the application and the noise mitigation specified within Acoustic Note ph-104267-01 (28th January 2022). The equipment approved under this condition shall be installed before the use hereby permitted commences. Following implementation of the scheme, a noise test to demonstrate compliance with the scheme shall be undertaken before the use commences. This noise test should have regard to the principles of BS 4142:2014+A1:2019 to ensure there is no detrimental impact to the nearest residential dwellings. The fan and ducting should be installed on anti-vibration mounts, all plant and abatement shall be maintained in accordance with manufacturers guidance and any future plant shall also meet the specified levels within the approved scheme.

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

06. No plant or equipment, including the kitchen ventilation and extraction system, shall be operated on the premises except between the hours of 11:00hrs - 23:00hrs Mon - Sat and 11:00hrs - 22:00hrs Sundays and Bank Holidays.

Reason: *In the interests of residential amenity and to comply with policies 15 and 34 of the Adur Local Plan.*

07. The premises shall not be open for trade or business other than between the hours of 11:00hrs - 23:00hrs Mon - Sat and 11:00hrs - 22:00hrs Sundays and Bank Holidays and all activity associated with the takeaway shall cease at the premises within half an hour of this closing time.

There shall be no loading or unloading of deliveries other than between the hours of 09:00hrs and 18:00hrs only on any day.

Reason: *In the interests of amenity having regard to policies 15 and 34 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/2012/21

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://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).