Adur District Council

Development Management

Mr Ben Fox
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The Granary
First Floor
37 Walnut Tree Lane
Sudbury
CO10 1BD

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/1026/17

Details of Development
REFURBISHMENT AND EXTENSIONS TO BUILDING IN ADDITION TO REPLACEMENT SHOPFRONT AND DRIVE-THRU BOOTHS WITH ASSOCIATED WORKS AND ERECTION OF BIN STORE TO NORTH OF BUILDING.

Location of Development
MCDONALDS EASTERN AVENUE SHOREHAM-BY-SEA WEST SUSSEX BN43 6PW

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 July 2017.

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
30/08/2017

Adur District Council
Adur District Council, Development Management, Economy Directorate,
Portland House, 44 Richmond Road, Worthing, West Sussex, BN11 1HS
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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
SITE LOCATION PLAN	0912-1256-01 Rev B	06.07.2017
MOBILANE GREEN SCREEN	Example	06.07.2017
NEW BOOTH STYLES	Photo example	06.07.2017
EXTG & PROP INTERNAL LAYOUT	0912-1256-06 Rev G	06.07.2017
EXTG & PROP ELEVATIONS	0912-1256-05 Rev F	06.07.2017
BLOCK PLAN	0912-1256-02 Rev E	10.07.2017
PROPOSED SITE PLAN(SIDE BY SIDE)	0912-1256-300 Rev F	21.08.2017

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. Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:-

(1) A preliminary risk assessment which has identified:-

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors; and
- potentially unacceptable risks arising from contamination at the site.

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(2) A site investigation scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: *To prevent pollution of groundwater and in the interests of environmental protection and public health and safety, in compliance with the National Planning Policy Framework.*

04. The northern part of the car park (west of the restaurant building) shall be cordoned off at 12 midnight daily to prevent access by cars to that parking area during the additional trading hours granted under planning permission AWDM/0104/14.

Reason: *In the interest of amenity having regard to saved policy AG1 of the Adur District Local Plan and policy 15 of the Submission Adur Local Plan.*

05. The car parking and access and turning facilities shall not be used for any purpose other than parking of vehicles, access and turning, respectively, incidental to the use of the premises.

Reason: *To ensure that adequate parking, access and turning facilities are retailed and in the interests of highway safety having regard to national policy set out in the National Planning Policy Framework and policy 29 of the Submission Adur Local Plan.*

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06. Prior to occupation of the extensions hereby permitted the relocated cycle rack shall be provided in accordance with the approved plans and retained thereafter.

Reason: *To ensure that adequate facilities are retained to provide an alternative to the private motor car having regard to national policy set out in the National Planning Policy Framework and policy 29 of the Submission Adur Local Plan.*

07. Prior to occupation of the extensions hereby permitted the relocated customer bin shall be provided in accordance with the approved plans and retained thereafter.

Reason: *In the interest of visual amenity and the environment having regard to saved policy AG1 of the Adur District Local Plan and policy 15 of the Submission Adur Local Plan.*

08. Prior to occupation of the extensions hereby permitted the Mobilane Green Screens to the cage corral and relocated customer bin and shrub plant border shall be planted and retained thereafter and if diseased and/or dies within five years of the date of this permission, be replaced with planting of a similar species and maturity to be agreed by the local planning authority.

Reason: *In the interest of visual amenity having regard to saved policy AG1 of the Adur District Local Plan and policy 15 of the Submission Adur Local Plan.*

09. The approved means of ventilation for the extraction, filtration and disposal of cooking odours (including sound attenuation measures) submitted in pursuance of condition 14 of planning permission SU/269/01, shall be retained in effective working order and operated at all times when cooking is taking place.

Reason: *In the interests of amenity having regard to saved policy AG1 of the Adur District Local Plan and policy 15 of the Submission Adur Local Plan.*

10. The sound level attributable to all equipment installed on the premises (corrected in accordance with BS4142) shall not exceed the background noise level as measured at the nearest dwelling.

Reason: *In the interests of amenity having regard to saved policy AG1 of the Adur District Local Plan and policy 15 of the Submission Adur Local Plan.*

11. The approved 2.4m by 70m visibility splay on the north side of the existing access at its junction with Eastern Avenue, detailed in pursuance of condition 18 of planning permission SU/269/01, shall be kept free from any obstruction over 0.6 metres above the level of the carriageway of the highway.

Reason: *In the interests of highway safety having regard to national policy set out in the National Planning Policy Framework and policy 29 of the Submission Adur Local Plan.*

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12. The approved scheme for collection and disposal of litter submitted in pursuance of condition 19 of planning permission SU/269/01 shall be operated in accordance with the approved details.

    Reason: *In the interests of amenity having regard to saved policy AG1 of the Adur District Local Plan and policy 15 of the Submission Adur Local Plan.*

13. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), the building shall not be extended or altered externally or any incidental building erected on the site, except as approved under this permission.

    Reason: *In the interests of amenity and the environment and to comply with saved policy AG1 of the Adur District Local Plan and policy 15 of the Submission Adur Local Plan.*

14. Notwithstanding the provisions of the The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), except as approved under this permission no external plant or machinery shall be installed, erected or replaced on the application site.

    Reason: *In the interests of amenity and the environment and to comply with saved policy AG1 of the Adur District Local Plan and policy 15 of the Submission 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/1026/17

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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 you want to appeal, then you must do so within six months, 12 weeks for a minor commercial (shop front) of the date of this notice. Appeals must be made using a form which you can get from the Secretary of State online at https://acp.planninginspectorate.gov.uk or at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000).

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.

7. 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.

8. Further correspondence about this application should quote the reference number at the top right hand corner of the form.

9. 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.

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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).