WORTHING BOROUGH COUNCIL

Mr Louis Roskilly
Roskilly Trading Limited t/a Vibe
8-9 Montague Place
Worthing
West Sussex
BN113BG
England

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/1504/24

Details of Development
RETROSPECTIVE CHANGE OF USE FROM CAFE (USE CLASS E) TO A LICENSED ENTERTAINMENT VENUE (SUI GENERIS).

Location of Development
CAFE 8 - 9 MONTAGUE PLACE WORTHING WEST SUSSEX BN11 3BG

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 18th December 2024.

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
19/02/2025

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
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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
LOCATION PLAN		18.12.2024
FIRST FLOOR PLAN		18.12.2024
GROUND FLOOR PLAN		18.12.2024
SUPPORTING STATEMENT		18.12.2024

Reason: *For the avoidance of doubt and in the interests of proper planning.*

02. No customer trade or business shall take place on the premises except between the hours of 07:00am and 11.00pm on Sunday to Wednesday and 07:00am and 12.00am on Thursday to Saturday.

The premises shall be emptied of customers 30 minutes outside of these hours.

All staff activity associated with the use shall cease at the premises within one hour of the closing time.

Reason: *To safeguard the amenities of the occupiers of neighbouring properties having regard to policy DM5 of the Worthing Local Plan.*

03. The use hereby permitted shall only be carried on in accordance with the approved sound insulation scheme and acoustic report reference 10186.ATN01.PCT.1 dated 27 July 2023 under application AWDM/0596/23 tested against the minimum airborne sound insulation value of 50dB (DnTw + Ctr dB) unless otherwise agreed in writing with the Local Planning Authority.

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

04. The kitchen extract/ventilation equipment approved under AWDM/0596/23 (and now installed) shall be retained and operated and maintained in accordance with the manufacturer's instructions unless otherwise agreed in writing with the Local Planning Authority.

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

05. The extract/ventilation plant and equipment as installed in accordance with the Plant Noise Assessment reference 10186.RP01.PNA.0 dated 29 April 2020 in relation to Application AWDM/0596/23 including the recommended attenuator

specification and mountings to control noise and vibration, shall be retained unless otherwise agreed in writing by the Local Planning Authority.

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

06. Deliveries/servicing shall not take place except between 07.30am and 20:00pm on any day.

Reason: *To safeguard the amenities of the occupiers of neighbouring properties having regard to policies DM5 and DM22 of the Worthing Local Plan.*

07. No plant or equipment hereby approved, including the kitchen ventilation and extraction system, shall be operated on the premises except between the approved operating hours.

Reason: *To safeguard the amenities of the occupiers of neighbouring properties having regard to policies DM5 and DM22 of the Worthing Local Plan.*

08. Only unobtrusive recorded background music shall be provided in the premises within the approved hours of operation. For this purpose the music noise level shall not exceed 75dB (LAeq15min) measured anywhere on the premises.

Reason: *To safeguard the amenities of the occupiers of neighbouring properties having regard to 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

02. It is advised to take into account the comments from Sussex Police regarding the application.

03. We have identified the site is adjacent to a high surface water flood risk, therefore the applicant should consider creating an emergency plan to ensure safe access and egress routes can be achieved.

Reason: *To prevent flooding in accordance with National Planning Policy Framework paragraphs 165-175 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage, and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.*

Ref: AWDM/1504/24

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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).