



Town & Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management
Procedure) (England) Order 2015
Application for Planning Permission
DECISION NOTICE

Application Ref: BE/150/15/PL

1 To Addressee

Gerald Eve LLP
 72 Welbeck Street
 London

W1G 0AY

2 Site Address

Burger King
 Unit 4 Arun Retail Park

PO22 9NF

3 Description of Development

Conversion of existing drive-through canopy of existing unit into internal space, reconfiguration of unit to create 2 No. Class A3 pod units & relocation of existing cycle parking.

4 In pursuance of their powers under this Act and related Orders and Regulations the Council **PERMIT** this development to be carried out in accordance with the application and plans and subject to compliance with the conditions specified below.

- 1 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 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:
- Site Location Plan dwg. 1750 URB BK (08) 00 01 Rev D01;
 Existing Block Plan dwg. 1750 URB BK (08) 00 02 Rev D00;
 Proposed Block Plan dwg. 1750 URB BK (08) 00 03 Rev D01;
 Existing Ground Floor Plan dwg. 1750 URB BK (08) 00 04 Rev D00;
 Existing Elevations dwg. 1750 URB BK (08) 70 01 Rev D00;
 Proposed Ground Floor Plan dwg. 1750 URB BK (08) 00 05 D00;
 Proposed South/West Elevations dwg. 1750 URB BK (08) 70 03 Rev D00;
 Proposed East/North Elevations dwg. 1750 URB BK (08) 70 02 Rev D00;
 Existing Roof plan dwg. 1750 URB BK (08) 20 01 Rev D00; and
 Proposed Roof plan dwg. 1750 URB BK (08) 20 02 Rev D00.
- Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.
- 3 No development shall be carried out unless and until a schedule of materials and finishes to be used for the new external walls and roofs of the proposed extension have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the extension.
- Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity in accordance with policy GEN7 of the Arun District Local Plan.
- 4 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:
- * the anticipated number, frequency and types of vehicles used during construction;
 - * the method of access and routing of vehicles during construction;
 - * the parking of vehicles by site operatives and visitors;
 - * the loading and unloading of plant, materials and waste;
 - * the storage of plant and materials used in construction of the development;
 - * the erection and maintenance of security hoarding;
 - * the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders); and
 - * details of public engagement both prior to and during construction works.
- Reason: In the interests of highway safety and the amenities of the area in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.
- 5 The use hereby permitted for both units shall not be commenced until details of the equipment required to discharge odour and fumes from the cooking process have been submitted to and approved by the Local Planning Authority and the approved equipment shall thereafter be installed, retained and maintained in full working order.
- Reason: To protect the amenity of nearby residential properties, in accordance with Arun District Local Plan policy GEN32.

- 6 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The secure cycle parking spaces so approved shall be implemented in accordance with the approved details and retained in perpetuity unless otherwise agreed in writing with the local planning authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and policies GEN7 and GEN12 of the Arun District Local Plan.

- 7 The rating level of equipment from each unit shall, when measured in accordance with BS4142:2014, achieve a level of at least 10dB below the existing background noise level when measured at neighbouring noise sensitive properties. The equipment shall be in accordance with paragraph 9.2 of the Environmental Noise Survey and Plant Noise Assessment Report 20581/PNA2 dated 28 August 2015.

Reason: To protect the amenity of nearby residential properties, in accordance with Arun District Local Plan policy GEN32.

- 8 Details for the storage of waste/recycling on the premises shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of either of the two units. The approved waste/recycling store shall then be implemented and thereafter retained/maintained as fit for purpose.

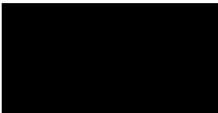
Reason: In the interest of visual amenity and to protect the amenities of nearby residents in accordance with Arun District Local Plan policy GEN7.

INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. 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.

Case Officer: Mr S Davis

Date of Decision:

1 December 2015


Karl Roberts
Director Planning & Economic Regeneration

Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

APPEALS TO THE SECRETARY OF STATE

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.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against this planning application decision, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against this planning application decision, then you must do so within 28 days of the date of service of the enforcement notice, or within 12 weeks of the date of this notice, whichever period expires earlier.

Otherwise, if you want to appeal against this decision then you must do so within 6 months of the date of this notice.

Appeals must be 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 <http://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State 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.

PURCHASE NOTICES

If either the local planning authority or the Secretary of State refused 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 Council (that is, where the land is situated in a National Park, the National Park authority for the Park, or in any other case the district council in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town & Country Planning Act 1990.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on highway land).