

TOWN AND COUNTRY PLANNING ACT 1990**DECISION NOTICE****Application Ref: EP/40/09/****1 To Addressee**

Mr F Aarabi
Cawley Gate
Cawley Road
Chichester
West Sussex
PO19 1XB

2 Site Address

27 Sea Road
East Preston

3 Description of Development

Continuance of use without compliance with condition no.2 imposed under planning reference no. EP/123/08 relating to opening hours

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 plan and subject to compliance with the conditions specified.

CONDITION 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).

CONDITION 2 The premises shall not be open for trade or business except between the hours of:

Monday to Thursday	1100 - 2300
Friday and Saturday	1100 - 2330
Sunday and Bank Holidays	1700 - 2300

Reason: To safeguard the amenities of neighbouring properties in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

CONDITION 3 No deliveries shall be taken at the site outside of the hours of 0700 to 1000 nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of the residential amenities of neighbouring properties in accordance with Policy DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

CONDITION 4 Before the use is first commenced, provision shall be made at the premises for the collection of customer waste in accordance with details to be submitted to and approved by the Local Planning Authority and such provision shall thereafter be maintained to the satisfaction of the Local Planning Authority whilst the use is taking place.

Reason: In the interests of the amenities of the locality in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

CONDITION 5 The change of use hereby permitted shall not begin until full details of a scheme for sound insulation between the use and the residential flat above has been submitted to and approved by the Local Planning Authority. The insulation shall be installed before the premises are occupied and shall be maintained in an effective manner thereafter.

Reason: To safeguard the amenities of the occupiers of the flats above in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7, GEN32 of the Arun District Local Plan.

INFORMATIVE: Condition 5 relates primarily to the treatment of the party ceiling to ensure that noise affecting residents upstairs is not excessive. Sound insulation should at least meet the standards for airborne and impact sound insulation for material change of use specified in Table 0.1a of approved Document E of the Building Regulations. The scheme should include proposals for performance testing to show that the insulation standard is met.

INFORMATIVE: The rating level of the noise emitted from the ventilation system to be installed shall be maintained and operated in accordance with the manufacturer's specification.

INFORMATIVE: The applicant is advised of the following comments from Environmental Health:-

"The dimensions of the food rooms for food preparation and storage are minimal and may present operational and trading restraints, the business operator will have to consider external works and modifications to extend these areas if food safety concerns are identified".

INFORMATIVE:

Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

STRUCTURE PLAN: LOC1, CH1, DEV1, DEV5

LOCAL PLAN: GEN2, GEN7, GEN12, GEN32, DEV26, DEV30

NATIONAL POLICIES: PPS1, PPG13, PPS23, PPG4, PPG24

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.

Head of Planning Services
Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

Case Officer: Mrs J Chapman

Date of Decision:

24th April 2009

Date Decision Issued:

24th April 2009



Karl Roberts
Assistant Director Planning Services &
Housing Strategy

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

NOTES RELATING TO PLANNING APPLICATION TOWN AND COUNTRY PLANNING ACT 1990

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 First Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within 6 months of the date of this notice using a form which you can get from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

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.

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.

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

If either the local planning authority or the First 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 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 & 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).