



TOWN AND COUNTRY PLANNING ACT 1990

DECISION NOTICE

Application Ref: EP/88/08/

1 To Addressee

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

2 Site Address

27 Sea Road
East Preston

3 Description of Development

Change of use from Fancy Dress shop (A1) to Indian Tandoori Restaurant (A3)

4 In pursuance of their powers under this Act and related Orders and Regulations the Council REFUSE to approve the development as described in the application and plan for the reasons stated.

- REASON 1** In the absence of supporting evidence outlining that the retail use is no longer viable the Local Planning Authority is not satisfied that the existing retail premises would no longer serve the retail needs of the community. The proposal is therefore contrary to policies NE10 of the West Sussex Structure Plan and DEV30 of the Arun District Local Plan in that the proposed change of use would result in harm to the viability and vitality of the local shopping parade.
- REASON 2** In the absence of sufficient details of the provisions for the extraction of fumes and cooking odours the Local Planning Authority is not satisfied that the mechanical ventilation system proposed would adequately serve the commercial premises to avoid adverse odour pollution to safeguard the amenities of occupiers of the adjoining landuses, including residential accommodation. The proposal is therefore contrary to policies ERA5 of the West Sussex Structure Plan and DEV26 of the Arun District Local Plan.

INFORMATIVE:

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

"Kitchen is undersized for a proposed seating area of up to 44 covers. The dimension of 15 m sq. is wholly inadequate for the preparation of high risk foods and workplace for up to 4 persons. Applicant has not provided a suitable area for the storage of dry food which will be significant for this no. of covers. Layout indicates a shortage of wash facilities, probably due to inadequate space, the storage of pots, pans and necessary refrigeration equipment will place further demands on the limited dimensions of the kitchen area. Discharge of strong spicy odours at first floor level will require a high level of odour control; the application does not provide adequate information on how this will be achieved in order to prevent the potential of nuisance to nearby residents. There is also insufficient information on noise produced by the proposed extract system."

Case Officer: Mr M Porter

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

Date of Decision: 17th July 2008

Date Decision Issued: 17th July 2008



Zachary Ellwood
Interim Head of Development Control

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.