



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: R/290/18/PL

1 To Addressee

Dalton Warner Davis
 6 New Bridge Street
 London

EC4V 6AB

2 Site Address

130 The Street
 Rustington
 BN16 3DA

3 Description of Development

Variation of conditions imposed under R/209/18/PL relating to condition 3-rewording of condition to read 'The Class A3 (restaurant/cafe) use hereby permitted shall not be commenced until full details of any proposed ventilation extract system to discharge odours and fumes and noise from the cooking process has been submitted to and approved by the Local Planning Authority, the associated equipment has been installed and be in full working order to the satisfaction of the Local Planning Authority' & 6-rewording of condition to read 'Deliveries by commercial vehicles regarding the Class A3 (restaurant/cafe) use hereby permitted, shall only be made to or from the site between 07.00 hours and 18.00 hours Monday to Saturday and 08.00 and 16.30 on Sunday, Bank or other Public Holidays without the prior written consent of the Local Planning Authority'.

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 the following conditions

- 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:
Location/Block and Site Plan 106, Proposed Floor Plan and Elevation 108 and Plans for Change of Use 109.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.

- 3 The Class A3 (restaurant/ cafe) use hereby permitted shall not be commenced until full details of any proposed ventilation extract system to discharge odours and fumes and noise from the cooking process has been submitted to and approved by the Local Planning Authority, the associated equipment has been installed, and is in full working order to the satisfaction of the Local Planning Authority.

Reason: To ensure that unsatisfactory cooking odours outside the premises are minimised in the interests of the amenity of occupiers of nearby properties in accordance with Arun Local Plan policy QE SP1.

- 4 The extraction equipment installed in pursuance to Condition No.3 above shall be regularly maintained to ensure its continued satisfactory operation and the cooking process shall cease to operate if at any time the extraction equipment ceases to function to the satisfaction of the Local Planning Authority.

Reason: That the use does not result in excessive cooking odours outside the premises and that the amenity of occupiers of nearby properties is protected in accordance with Arun Local Plan policy QE SP1.

- 5 The use hereby permitted shall be open to the public Monday - Sunday 08.00 - 23.30, with no food served after 23.00 daily.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties in accordance with Arun Local Plan policy QE SP1 and QE DM1.

- 6 Deliveries by commercial vehicles shall only be made to or from the site between 07.00 hours and 18.00 hours Monday to Saturday and 08.00 and 16.30 on Sunday, Bank or other Public Holidays without the prior written consent of the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties in accordance with Arun Local Plan policy QE SP1 and QE DM1

- 7 There shall be no outdoor seating unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties in accordance with Arun Local Plan policy QE SP1 and QE DM1.

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.

INFORMATIVE: The proposed floor plan currently shows only one toilet in the premises. The numbers of toilets required will depend on the number of staff and covers proposed. Please note the requirements for toilet provision in Arun District which can be found at <https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n11788.pdf&ver=11779>.

The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health Department on 01903 737500.

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Neil Crowther
Group Head of Planning

Case Officer: Mrs A Gardner

Date of Decision:

9 April 2019

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