

DECISION NOTICE

Application Ref: R/224/19/PL

1 To Addressee

Beamish Planning Consultancy
Rosemary Cottage
Back Lane
Searby
DN38 6BH

2 Site Address

4 Broadmark Parade
Broadmark Lane
Rustington
BN16 2NE

3 Description of Development

Variation of condition 3 imposed under R/141/19/PL relating to hours of operation of the plant & machinery associated with the approved A3/A5 use classes (09.30 to 23.00 Mondays to Saturdays and 9.30 am and 10pm on Sundays and Bank Holidays) with no changes to trading.

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 Plan

Proposed Roof Plan dwg. no. 2940/PL125 Rev. B dated 09.05.19.

Proposed External Elevations dwg.no.Rev. C 2940/PL211 dated 08.05.19.

Proposed Ground Floor GA Plan dwg.no. 2940/PL100 Rev. A dated 20.12.2018.

Proposed First Floor GA Plan dwg.no. 2940/PL101 Rev. A dated 06.02.19.

General Arrangement of HVAC Installation Plan & Side Elevation dwg.no. 0000/M/101 Rev B dated 08/02/19.

General Arrangement of HVAC Installations Sheet 2 of 2 - Elevations dwg.no. 0000/M/101 Rev B

dated 08/02/19.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 The use hereby approved relating to retail unit opening hours, shall only be between the hours of 10.30am to 11pm Monday to Saturday and between 10.30am and 10pm on Sundays and Bank Holidays. The use of machinery operations and ventilation associated with the use shall only be between the hours of 9.30am to 11pm Monday to Saturday and between 9.30am and 10pm on Sundays and Bank Holidays.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun Local Plan policies D DM1, QE DM1 and QE DM3.

- 4 The extraction system shall be constructed and retained in perpetuity in accordance with the following document:

The Mechanical Ventilation & Environmental Control Equipment - Planning Application Information dated 21-01-18 & email update of 09/05/2019 15:32.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun Local Plan policies QE SP1, QE DM1 and QE DM3.

- 5 The use hereby permitted shall include the sound insulation scheme, recommended by Ned Johnson Acoustic Consultants' Acoustic Assessment (ref. 451819 Rev. A, dated February 2019), for protecting the upper floor residential unit from noise. The scheme shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB). Following implementation of the insulation scheme, a test shall be undertaken to demonstrate that the attenuation measures carried out has achieved the minimum airborne sound insulation criteria. The use of the development shall not commence until test results, demonstrating the minimum sound insulation criteria has been achieved, has been submitted to and approved by the local planning authority.

Reason: In the interests of the amenity of nearby residents & occupiers of any nearby noise sensitive premises, the general amenities of the area and in the interests of highway safety in accordance with policies D DM1 and QE SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 6 The development shall proceed in accordance with the details contained within the Delivery and Service Plan dated December 2018.

Reason: To protect the amenities of occupiers of adjoining properties and provide adequate servicing and delivery to the premises in accordance with Arun Local Plan policies QE SP1, QE DM1, QE DM3 and T SP1.

- 7 Deliveries by commercial vehicles and servicing shall only be made to or from the site between 08.30 hours and 20.00 hours Monday to Saturday and 10.00 hours and 20.00 hours on Sundays, Bank or other Public Holidays without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun Local Plan policies D DM1, QE DM1 and QE DM3.

- 9 INFORMATIVE: The premises will require Registration under the Food Safety Act 1990 and will need to comply with the standards contained in the relevant Food Hygiene Regulations prior to becoming operational. The applicant is advised to contact The Food Safety Team at Environmental Health on Tel 01903 737755 or via E-Mail at Food.Safety@arun.gov.uk.

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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



Neil Crowther
Group Head of Planning

Case Officer: Mrs A Gardner

Decision Issued: **18th November 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 public highway (including the placing of skips on highway land).