
Planning Statement - Section 73 Application

Variation of Condition 5 to Amend the Permitted Operating Hours of the Approved First-Floor Hospitality Space

Project Name: Andalucia Restaurant
Address: Andalucia Restaurant, 60 Ferring Street,
Ferring, Worthing, West Sussex, BN12 5JP
Reference: 1098

Date of Issue: 29th June 2026

Revision: ...

Issued by: Harp & Bright
Address: 64 Byron Street, Hove, BN3 5BB

Employer: Andalucia Restaurant
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Ferring, Worthing, West Sussex, BN12 5JP

Introduction

This Planning Statement has been prepared in support of an application under Section 73 of the Town and Country Planning Act 1990 (as amended) seeking to vary Condition 5 of planning permission reference FG/19/21/PL.

The application seeks to amend the permitted operating hours of the approved first-floor hospitality space. No alterations are proposed to the approved layout, appearance or physical extent of the development, and all other conditions attached to the planning permission would remain unchanged.

The proposed revised condition would allow the approved hospitality space to operate during the following hours:

Day	Proposed Hours
Monday – Saturday	10:00 – 23:00
Sunday	12:00 – 22:00
Public Holidays	12:00 – 22:00

The proposal reflects the operational requirements of the existing restaurant and would allow the approved first-floor hospitality space to operate alongside the established business while continuing to safeguard the amenities of neighbouring occupiers.

Site and Planning History

Planning permission (Ref. FG/19/21/PL) was granted for the change of use of the former first-floor flat. This Section 73 application relates to the approved first-floor hospitality space and seeks only to vary the permitted hours of operation. No changes are proposed to the approved layout, scale or nature of the development.

The approved development has now been completed in accordance with the approved plans and planning conditions.

In particular, the approved acoustic insulation scheme secured through Condition 4 has been fully implemented prior to occupation.

No external alterations or internal layout changes are proposed as part of this application.

Proposed Variation to Condition 5

This application is made under Section 73 of the Town and Country Planning Act 1990 (as amended) and seeks to vary Condition 5 attached to planning permission reference FG/19/21/PL.

No other aspect of the approved development is proposed to change.

Existing Condition 5

The use hereby permitted shall not be operated on Sundays or Public Holidays or at any time otherwise than between the hours of 14.00 - 22.00 on Monday - Friday and 17.00 - 22.00 on Saturday.

Reason: To safeguard the amenities of the neighbouring properties in accordance with Arun District Local Plan Policy QE SP1.

Proposed Condition 5

The use hereby permitted shall not be operated at any time other than between the following hours:

- **Monday to Saturday:** 10:00 – 23:00
- **Sundays and Public Holidays:** 12:00 – 22:00

Reason: To safeguard the amenities of neighbouring properties in accordance with Arun Local Plan Policy QE SP1.

Operation of the Approved Hospitality Space

The approved first-floor hospitality space operates in conjunction with the existing restaurant.

The space:

- Accommodates a maximum of 18 guests;
- Is served by a maximum of 3 members of staff;
- Remains ancillary to the existing restaurant;
- Has no external seating or external customer area; and
- Utilises the existing restaurant entrance and customer facilities.

The operation of the hospitality space remains closely integrated with the day-to-day operation of the existing restaurant and does not function as an independent commercial premises.

Proposed Variation

The application seeks to amend the operating hours secured by Condition 5 only. No increase in customer capacity is proposed and the approved use, layout and scale of the development remain unchanged.

The approved hospitality space remains ancillary to the established restaurant and does not increase the overall scale of the commercial operation. The proposal simply enables the approved accommodation to operate throughout the restaurant's normal trading day.

Residential Amenity

The principal planning consideration associated with the original permission was the protection of neighbouring residential amenity.

To address this, planning permission secured:

- an acoustic insulation scheme between the hospitality space and adjoining residential properties;
- controls over any plant or mechanical equipment; and
- restrictions on the hours of operation.

The approved acoustic insulation scheme has now been fully implemented in accordance with Condition 4 and provides a high standard of acoustic separation between the approved hospitality space and neighbouring residential accommodation.

Furthermore:

- no external seating or customer areas are provided;
- customers enter and leave through the existing restaurant;
- customer numbers remain limited by the approved capacity of the hospitality space; and
- the approved maximum occupancy remains unchanged.

These characteristics naturally limit customer movements and minimise the potential for disturbance.

Since completion of the development, no complaints have been received regarding the operation of the hospitality space.

Planning Considerations

The Officer's Report accompanying planning permission reference FG/19/21/PL concluded that the approved development would not result in a significant increase in external noise disturbance and acknowledged that no external customer area was proposed. Furthermore, Environmental Health raised no objection to the proposal, subject only to conditions requiring details of plant and mechanical equipment and the implementation of an acoustic insulation scheme.

These conclusions remain equally applicable to the current proposal. The approved acoustic insulation scheme has been fully implemented in accordance with Condition 4, there are no external customer areas associated with the hospitality space, and no changes are proposed to the approved layout, customer capacity or nature of the approved use.

The hospitality space remains ancillary to the established restaurant and there is no increase in customer capacity or floor area. The proposal therefore represents a variation to the approved operating hours only.

The revised hours would enable the approved hospitality space to operate in a manner consistent with the established restaurant. The proposal would align the permitted hours of the hospitality space with the operational requirements of the existing business without altering the approved scale or nature of the use.

The proposal would facilitate daytime and evening hospitality associated with the existing restaurant without materially increasing activity beyond that already associated with the lawful use of the premises.

Planning Policy

The proposal continues to accord with the relevant provisions of the Arun Local Plan 2011–2031, including:

- Policy D DM1 – Design;
- Policy EMP DM1 – Employment Development;
- Policy RET DM1 – Retail Development; and
- Policy QE SP1 – Quality of the Environment.

The proposal supports the continued vitality and economic sustainability of an established town centre business whilst maintaining appropriate safeguards for neighbouring residential amenity.

The proposal continues to satisfy the objectives of Policy QE SP1 by ensuring that the amenities of neighbouring occupiers are protected. The approved acoustic insulation scheme has been implemented, the scale and capacity of the approved use remain unchanged, and the proposal would not give rise to any material increase in noise or disturbance.

Conclusion

This application seeks to vary Condition 5 of planning permission reference FG/19/21/PL to amend the permitted operating hours of the approved first-floor hospitality space.

No physical alterations are proposed and the approved use, customer capacity and operational characteristics remain unchanged.

The approved acoustic insulation scheme has been fully implemented, there are no external customer areas, and the hospitality space continues to operate as an ancillary part of the existing restaurant.

The proposal would not result in any material increase in noise or disturbance and would continue to safeguard the amenities of neighbouring occupiers.

The revised operating hours would enable the approved hospitality space to operate in a manner consistent with the established restaurant without altering the approved scale, capacity or nature of the use.

The proposal is therefore considered to accord with the relevant policies of the Arun Local Plan and planning permission is respectfully requested.