

STEPHEN JUPP

BA(Hons), LLM, MRTPI

**CHARTERED
TOWN PLANNER**

Planning and Building Control Division
Arun District Council
Maltravers Street
Littlehampton

Monday, 22 October 2007

Dear Sir/Madam:

Re: Unit 10, The Parade, Pagham

General A3 use of premises.

Resubmission of P/84/07

I write in connection with the above case and have the pleasure of enclosing my clients' planning application.

Please note that this application relates SOLELY to the modification of condition 2 of P/15/96.

Planning permission P/15/96 permitted the use of the premises as a tea room. Condition 2 of that permission prohibits any other A3 use.

This condition in effect removes permitted development rights to interchange within the same use class. As a result no fee is payable for this application.

The property has now been empty for a considerable period of time (in excess of 2 years) and marketing efforts by Alliston & Co have proved fruitless due to the restrictive nature of condition 2.

A previous application was refused because of a request for flue details.

In my submissions, since an end user is not known at the present time, it is impossible to comply fully with such a request. This is because different end users ie an Indian Restaurant will have different odour abatement requirements than a general café.

However this application includes general details of the extraction system - although the final design would be dependant upon the end user.

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PARTNERS:

STEPHEN PAUL JUPP
BA(Hons), LLM, MRTPI

LYNN ALEXANDRA JUPP

**348 CHICHESTER ROAD
NORTH BERSTED
BOGNOR REGIS
WEST SUSSEX
PO21 5BX**

Phone: 01243-822113

Fax: 01243-837939

E-Mail:

steve@planning-solutions.co.uk
lynn@planning-solutions.co.uk

Web Site:

www.planning-solutions.co.uk

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In the case of 71-73 High Street, Bognor I successful argued that it is not necessary to provide full details at this stage position - therefore the flue details should be conditioned. This line of argument was accepted by EHO on the previous application and indeed the application's refusal did not relate to the issue of the flue. Consistency is therefore required in your approach.

In one case Havant refused permission for a change of use, partly because they wanted flue details and weren't satisfied that an appropriate system could be achieved. At appeal costs were awarded against Havant on the basis that it could be dealt with by condition. If the flue details weren't acceptable then the details pursuant to the condition would not be approved, the cooking could not be undertaken and an appeal against refusal of the details submitted under the condition was the appropriate way forward.

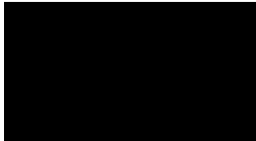
I would suggest that this is the most appropriate course of action in this case. I would therefore suggest a condition along the lines of the following:

"No preparation of cooked foods shall be undertaken on the premises until: (1) details of the means of extraction have been submitted to and approved by the LPA; and, (2) the extraction system has been installed in accordance with the approved scheme. Thereafter the preparation of cooked foods shall only be undertaken whilst the approved extraction system is retained."

I consider that this latest application, which relates SOLELY to modification of condition 2 on P/15/96 is acceptable on all counts and I therefore trust that officer support will be forthcoming.

However, can I ask that if there are any queries concerning the applications that the case officer, prior to any formal recommendation being formulated, contacts me?

Yours sincerely,



STEPHEN JUPP
BA(Hons), LL.M., MRTPI
Chartered Town Planner