

Application for removal or variation of a condition following grant of
planning permission. Town and Country Planning Act 1990.
Planning (Listed Buildings and Conservation Areas) Act 1990

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

1. Site Address

Number	130
Suffix	
Property name	
Address line 1	The Street
Address line 2	
Address line 3	
Town/city	Rustington
Postcode	BN16 3DA

Description of site location must be completed if postcode is not known:

Easting (x)	505349
Northing (y)	102288

Description

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, 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 shall only be made to or from the site between 07.00 hours and 18.00 hours Monday to Saturday and at no other time on Sunday, Bank or other Public Holidays without the prior written consent of the Local Planning Authority.

2. Applicant Details

Title	
First name	
Surname	N/A
Company name	Store Property Investments Ltd
Address line 1	c/o Agent
Address line 2	
Address line 3	
Town/city	

2. Applicant Details

Country	
Postcode	
Primary number	
Secondary number	
Fax number	
Email address	

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

3. Agent Details

Title	Mrs
First name	Aarti
Surname	O'Leary
Company name	Dalton Warner Davis
Address line 1	6
Address line 2	New Bridge Street
Address line 3	
Town/city	LONDON
Country	
Postcode	EC4V 6AB
Primary number	
Secondary number	
Fax number	
Email	

4. Description of the Proposal

Please provide a description of the approved development as shown on the decision letter

Change of use from retail shop (A1 Shops) to retail shop (A1 Shops) / restaurant/cafe (A3 Food & Drink).

Reference number

R/2009/18/PL

Date of decision (date must be pre-application submission)

23/11/2018

Please state the condition number(s) to which this application relates

Condition number(s)

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

6 - Deliveries by commercial vehicles shall only be made to or from the site between 08.30 hours and 18.00 hours Monday to Saturday and at no time on

4. Description of the Proposal

Sundays, Bank or other Public Holidays without the prior written consent of the Local Planning Authority.

Has the development already started?

☐ Yes ☒ No

5. Condition(s) - Removal

Please state why you wish the condition(s) to be removed or changed

Condition 3 is not relevant or necessary for the proposed Class A1 use of the site, and would only be necessary for a proposed Class A3 use of the site. As currently worded, the condition would preclude a Class A1 use of the site commencing. Therefore, it is requested that Condition 3 is amended to meet the tests for planning conditions.

The morning hours for deliveries to and from the unit are considered to be overly restrictive, especially when considered in light of the approved opening hours of 08.00 - 23.30. Therefore, it is requested that Condition 6 is amended to revise the delivery timeframe.

If you wish the existing condition to be changed, please state how you wish the condition to be varied

It is requested that Condition 3 is amended 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, 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".

It is requested that Condition 6 is amended to read "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 at no time on Sundays, Bank or other Public Holidays without the prior written consent of the Local Planning Authority".

6. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

☒ Yes ☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

- ☒ The agent
☐ The applicant
☐ Other person

7. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

☒ Yes ☐ No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title	Mr
First name	Juan
Surname	Baeza
Reference	

Date (Must be pre-application submission)

Details of the pre-application advice received

The application was determined without the applicant's written agreement to the pre-commencement condition and, therefore, does not comply with the Town and Country Planning Act 1990, or the Town and Country Planning (Pre-Commencement Conditions) Regulations 2018. Therefore, it was agreed that the position could be addressed by an application to vary the pre-commencement condition (Condition 3).

The applicant had also requested a variation to Condition 6 prior to the application being determined, but received no response from the Local Planning Authority. Therefore, the proposal include Condition 6 in the variation of condition application was discussed with the Planning Area Team Leader. The applicant was advised that the request would need to be agreed with the Council's Environmental Health Officer.

8. Ownership Certificates and Agricultural Land Declaration

CERTIFICATE OF OWNERSHIP - CERTIFICATE A - Town and Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/the applicant was the owner* of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding**

* 'owner' is a person with a freehold interest or leasehold interest with at least 7 years left to run. ** 'agricultural holding' has the meaning given by reference to the definition of 'agricultural tenant' in section 65(8) of the Act.

8. Ownership Certificates and Agricultural Land Declaration

NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.

Person role

- ☐ The applicant
☒ The agent

Title	Mrs
First name	Aarti
Surname	O'Leary
Declaration date (DD/MM/YYYY)	04/12/2018

☒ Declaration made

9. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them. ☒

Date (cannot be pre-application) 07/12/2018