

Our ref. : AB1865/LPA211219

Planning Services
Arun District Council
Civic Centre
Littlehampton
West Sussex
BN17 5LF

21st December 2019

Dear Sir/Madam,

**DISCHARGE OF CONDITION APPLICATION
4 BROADMARK PARADE, BROADMARK LANE, RUSTINGTON, BN16 2NE**

Please find enclosed an application seeking to discharge the requirements of condition (5) imposed upon the granting of Section 73 application ref. R/224/19/PL relating to the ground floor commercial premises at 4 Broadmark Parade, Broadmark Lane, Rustington, BN16 2NE.

This discharge application comprises the following documentation, and is being submitted electronically via the Planning Portal;

- Completed application forms and ownership certificates
- This covering letter prepared by Beamish Planning Consultancy.
- Decision notice relating to Section 73 application ref. R/224/19/PL, issued on 18th November 2019.
- 1:1250 scale OS plan with the application site outlined in red.
- Acoustic Assessment (document ref. 361920) prepared by Ned Johnson Acoustic Consultants.

Payment of the statutory application fee of £116 has been made electronically when submitting this application via the Planning Portal.

Details of proposed variation

In February 2019, this Practice submitted a planning application (ref. R/34/19/PL, the Case Officer for which was Mr. Andrew Wood) to the LPA in respect of site at 4 Broadmark Parade, Broadmark Lane, Rustington, proposing the change of use of this vacant, former A1 (shop) ground floor premises to a mixed A3/A5 (restaurant and hot food takeaway) use, incorporating the erection of a single storey rear extension, replacement shopfront, and associated plant and extraction equipment.

Planning permission was subsequently granted for this development in June 2019, with the granting of permission subject to a number of conditions. Condition (3) stated that ;

ADDRESS - ROSEMARY COTTAGE, BACK LANE, SEARBY, LINCOLNSHIRE, DN38 6BH

'The use hereby approved including deliveries, retail unit opening hours, machinery operations and ventilation associated with the use shall only be between the hours of 10.30am to 11pm Monday to Sunday.'

A Section 73 application (ref. R/141/19/PL) was then approved by the LPA in October 2010 to vary the requirements of condition (3) relating to the hours when deliveries and servicing can take place, resulting in an additional/standalone condition (condition (7)) being imposed relating to the hours when delivering and servicing can take place.

Further to that Section 73 permission, a subsequent Section 73 application (ref. R/224/19/PL) was approved in November 2019 relating to a further variation of condition (3) to enable the machinery operations and ventilation associated with the approved A3/A5 use to take place prior to the trading hours of the premises.

The development is now nearing completion and the sound insulation scheme to protect the upper floor residential from noise has been installed. Accordingly, this discharge application seeks to discharge the requirements of condition (5) as imposed upon application ref. R/224/19/PL, with condition (5) stating that;

'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.'

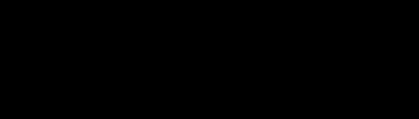
An acoustic assessment (document ref. 361920) has been undertaken by Ned Johnson Acoustic Consultants and is being submitted to discharge the requirements of condition (5), with that assessment confirming that the scheme meets the required minimum airborne sound insulation criteria.

In conclusion therefore no further sound insulation works are required, and we therefore trust that the requirements of condition (5) imposed upon the granting of Section 73 application ref R/224/19/PL can be discharged in an expedite manner, in accordance with national guidance as set out in the NPPG which advises that;

'Development that is ready to proceed should not be held back by delays in discharging planning conditions. In most cases where the approval is it is expected that the local planning authority should respond to requests to discharge conditions without delay, and in any event within 21 days. Where the views of a third party such as a statutory consultee are required to discharge a condition, every effort should be made to ensure that the 21 day requirement can still be met.'

We look forward to corresponding with the Case Officer to whom this discharge application is allocated in the near future, but in the meantime should any further information or clarification be required please do not hesitate to contact us.

Yours faithfully,



Adam Beamish
BA (Hons), DIP TRP, MRTPI

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