

Liz Everest

From: Deborah Lynn
Sent: 02 December 2025 16:08
To: [REDACTED]
Subject: DM/25/2913 - Le Flamant, 64 High Street, Lindfield
Attachments: The use of the s73s and s96As - Important

Good afternoon

I have formally consulted with you on the above S73 planning application for the following proposal:

“Variation of condition no 8 (opening hours) relating to planning application DM/24/1445.”

My reason for doing so is to check whether this S73 application can be lawfully determined, considering that the description for planning permission DM/24/1445 is noted as follows:

“Change of use from Tea Rooms (Class E) to Wine Bar (Sui Generis). Description amended 23.10.2024 to change use to mixed wine bar/restaurant use. Amended plans received to show extraction system to rear, plus additional cladding. Additional documents received including Noise Impact Assessment and Odour Risk Assessment.”

The planning team received legal advice at the beginning of the year in respect of S73 applications and whether they are consistent with the operative part of the original permission as set out in the description. In view of the attached e-mail, we had advised the applicant for the current application to submit an application for a non-material amendment (NMA) to amend the description of the original planning permission to “Change of use to mixed wine bar / restaurant use” prior to proceeding with the S73 application, however the applicant objected to having to pay for this.

We would therefore be grateful if you could provide advice as part of this current application as to whether the application can be lawfully determined or whether the applicant should apply for a NMA to amend the description of the original planning permission prior to varying the permission.

This application solely seeks permission to extend opening hours at the premises to the following:

Mondays and Tuesdays: 11:00 to 23:00 hours
Fridays and Saturdays: 11:00 to 00:00 hours
Christmas Eve: 11:00 to 00:00 hours
New Years Eve: 11:00 to 01:00 hours New Years Day.

In the Supporting Statement provided, the applicant advises that the recommendations of the Noise Impact Assessment approved under DM/24/1445 remain the same. No plant, including air conditioning units, will be used after 23:00 hours.

In view of this, I would be grateful if you could provide a legal opinion as to whether the proposed variation of opening hours is consistent with the operative part of the original planning permission.

I hope that the above assists but please do not hesitate to contact me should you have any queries.

Kind regards

Debbie.

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