Development Management, Economic Development and Planning,
County Hall, Bythesea Road, Trowbridge, BA14 8JN
Tel: 0300 456 0114 Email: developmentmanagement@wiltshire.gov.uk

Wiltshire Council

Application for Removal or Variation of a Condition following Grant of Planning Permission or Listed Building Consent

Town and Country Planning Act 1990 (as amended); Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended)

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.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number: 28

Suffix: A

Property Name: Tonka Bean Café & Bar Devizes

Address Line 1: St Johns Street

Address Line 2:

Address Line 3: Wiltshire

Town/city: Devizes

Postcode: SN10 1BN

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

Easting (x): 400446

Northing (y): 161334

Description

Applicant Details

Name/Company

Title

Ms

First name

Abrilli

Surname

Phillip

Company Name

Tonka Bean Cafe/Bar Ltd

Address

Address line 1

28a St John's Street

Address line 2

Address line 3

Town/City

Devizes

County

Wiltshire

Country

United Kingdom

Postcode

SN10 1BN

Are you an agent acting on behalf of the applicant?

- ○ Yes
- ⊘ No

Contact Details

Primary number

Secondary number

Fax number

Email address

Description of the Proposal

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

Particulars of Development: Change of use of ground floor area from A1 (retail) to A4 (drinking establishment) with the basement currently in use as retail space remaining in A1 use. Internal alterations to include the removal of a stud partition wall and the creation of a WC.

Reference number

13/01343/FUL

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

06/09/2013

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

Condition number(s)

The premises shall be open to the public only between the hours of 11:00 am and 21:30 from Mondays to Saturdays and between 12:00 in the morning and 21:30 in the evening on Sundays, with the sole exception of any extended hours approved under the Licensing Act for Christmas Eve and New Years Eve..

Has the development already started?

◯ Yes
⊘ No

Condition(s) - Variation/Removal

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

I have taken over the premises and completed on the lease 24th May 2023. The venue will be renamed Tonka Bean Cafe & Bar Devizes and will now operate as a deli Café and Bar. **I would like to vary the opening times to operate the new business**.

- My intention is to open 8am daily - Monday to Saturday. Ideally, I would operate mostly as a café Monday to Wednesday with an earlier close time (8am to 4pm - but would not like a restriction to apply) and 8am to 9.30pm Thursdays to Saturday.
- **I will be imminently submitting a full planning application for a change of use, to a mixed use, to run the café use alongside the existing bar use. The current permission allows for a drinking establishment (A4) and a retail shop (A1).**

The premises licence restricts the sale of alcohol to 11am to 9pm Mondays to Saturday and 12pm to 9pm on Sundays therefore I am content with a 9.30pm closure.
The opening times however do not work with my new café addition to the venue and will significantly affect my business model and reduce my ability to trade competitively.
I would like to therefore vary the opening times to 8am Mondays to Saturday and (and maintain 12pm on Sundays - although I do not intend to trade on that day but would like the option in the future).

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

I would like the new opening times to be 8am Mondays to Saturday to enable the venue to operate as a café as well. A full planning application for inclusion other café provision will follow imminently.

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?

- ( ) The agent
- (✓) The applicant
- ( ) Other person

Pre-application Advice

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

- ( ) Yes
- (✓) No

Ownership Certificates and Agricultural Land Declaration

Certificates under Article 14 - Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Please answer the following questions to determine which Certificate of Ownership you need to complete: A, B, C or D.

Is the applicant the sole owner of all the land to which this application relates; and has the applicant been the sole owner for more than 21 days?

- ( ) Yes
- (✓) No

Can you give appropriate notice to all the other owners/agricultural tenants? (Select 'Yes' if there are no other owners/agricultural tenants)

- ( ) Yes
- (✓) No

If No, and you cannot trace all the other owners/agricultural tenants, can you give the appropriate notice to one or more owner/agricultural tenant?

- ( ) Yes
- (✓) No

Certificate Of Ownership - Certificate D

I certify/ The applicant certifies that:

- **Certificate A cannot be issued for this application**
- **All reasonable steps have been taken to find out the names and addresses of everyone else who, on the day 21 days before the date of this application, was the owner* and/or agricultural tenant** of any part of the land to which this application relates, but I have/ the applicant has been unable to do so.**

*** "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.**

**** "agricultural tenant" has the meaning given in section 65(8) of the Town and Country Planning Act 1990**

The steps taken were:

I am a tenant.
The owner is
John Anthony Cole
Waterside Lakelane
Frampton on Severn
Glos
GL2 7HG

Notice of the application has been published in the following newspaper (circulating in the area where the land is situated)

N/A

On the following date (which must not be earlier than 21 days before the date of the application) (DD/MM/YYYY)

08/06/2023

Person Role

- [x] The Applicant
- [ ] The Agent

Title

Ms

First Name

Abrilli

Surname

Phillip

Declaration Date

08/06/2023

- [x] Declaration made

Declaration

I / We hereby apply for Removal/Variation of a condition as described in this form and 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 options of the persons giving them. I / We also accept that: Once submitted, this information will be transmitted to the Local Planning Authority and, once validated by them, be made available as part of a public register and on the authority's website; our system will automatically generate and send you emails in regard to the submission of this application.

I / We agree to the outlined declaration

☒

Signed

Abrilli Phillip

Date

08/06/2023