

Recommendation Report for Planning Permission

REF NO: AW/406/21/PL

LOCATION: 16 The Precinct
Aldwick
PO21 5SB

PROPOSAL: Addition of extraction unit and alterations to shop front to enable change of use under class E.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to install an extraction unit and to make alterations to the shop front to enable the of use under Class E as a restaurant.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the development.
SITE CHARACTERISTICS	Ground floor shop unit in a terrace row of commercial properties with residential above.
CHARACTER OF LOCALITY	Suburban. Playing fields and local shopping precinct with residential flats above and car parks.

RELEVANT SITE HISTORY

AW/82/02/	Proposed extension for additional office	ApproveConditionally 07-08-02
AW/136/94	Change of use from retail (Use Class A1) to office (Use Class A2) and extension to rear	ApproveConditionally 11-01-95

None.

REPRESENTATIONS

Aldwick Parish Council provided no objection

5 letters of objection and 2 no objection from nearby occupiers

- Object to the noise and smells from the extractor units.
- Having previously been next to a restaurant there is a problem with fat being put down the drains.
- Location is incorrect.
- Noise experienced from vehicles attending the business and from the public will be intolerable.
- There is no notice advertising the application.

- Its current location disrupts families.
- The extractor is noisy and the delivery drivers.
- No objection to the premises moving to the end of the precinct.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in the conclusion. A site notice was posted to the front of the site on the 3rd of February.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health

No objection although the following matters must be considered: installation of electric car charger point, installation of a grease trap, control of fumes and odours, hours of delivery, construction hours , floor/ceiling testing.

Having reviewed the submitted noise document it is reliable. A validation report shall be submitted to demonstrate the works have been carried out in accordance with this.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and some conditions included. The condition including the installation of an electric car charging point is not considered necessary, with the car park falling outside the red edge of the plan. Further the application is not for a change of use of the building as the restaurant use falls under class E as does the existing use) and only the works applied for can have controlling conditions. Other legislation such as Building Control and Environmental Health may provide other ways of securing the required details.

POLICY CONTEXT

Built up area boundary.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
QEDM1	QE DM1 Noise Pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant adverse impact upon the established character of the surrounding area.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**PRINCIPLE**

The key policies considered are D DM1, D DM4 and QEDM1 of the Arun local Plan and the Arun Design Guide.

Aldwick does not have a Neighbourhood Plan although does have a Parish Design Statement with the site located within Area 15.

The proposal seeks alterations to enable the premises to change its use from a shop to a restaurant. Both uses fall within Class E and planning permission is not required for the change of use to take place.

DESIGN AND VISUAL AMENITY

The property is to the ground floor of a three storey block and is an end unit in a small precinct of shops. It has a glazed elevation which extends along the full front with shutters in place. The proposal seeks minor alterations which include the addition of a door to the centre of the shop front. The alteration is

modest and in keeping with the appearance of others premises within the precinct.

The Arun Design guide states 'Retaining and enhancing windowed shop frontages which are in keeping with the existing character of the area. The proposal complies with this, retaining the windows shopfront , in keeping in appearance to the surrounding shops.

There will be an extraction unit installed. To the rear of the main building is a single storey flat roof addition and the extraction will extend across this flat roof. It will have a height of 0.85m extending above the flat roof with a length of around 2.75m. This will be visible from the rear of the site within the public car park that serves the precinct. There are examples of other extraction units located to this elevation and it is considered acceptable.

The alterations are relatively minor and remain in keeping with the surrounding area and shopfronts.

The proposal will not result in adverse harm upon appearance of the area and accords with D DM1 and D DM4 of the Arun Local Plan.

RESIDENTIAL AMENITY

The change to the shopfront will not result in harm upon amenity.

The extractor fan located above an existing flat roof to the rear of the site will be visible from the wider area within the car park ,however due to its location, it will not be visible from the rear 1st and 2nd floor windows serving flats to the rear elevation.

The use of the property may result in additional noise compared to its previous use as a shop. However, from the information submitted it appears as though the restaurant currently occupies No.7 and will move to No.16 and as such the noise impacts from people coming and going are not considered to increase from that which already occur from the premises opposite and the precinct in general.

Details have been submitted regarding the extractor fan and noise that it may create. Environmental Health have assessed this and consider it acceptable in such that it should not result in adverse noise impacts upon amenity in accordance with QE DM1 of the Plan. A condition will be included relating to the control of fumes and for the sound insulation between the ground and first floor to achieve a minimum of 50dB.

Concern has also been raised about the drains and a condition will be included for details of grease trap to be submitted.

The opening hours at the existing restaurant at No.7 has permission to open from 7am-11pm and the hours will be conditioned the same.

The alterations to the shopfront and extractor to enable the change of use is not considered to result in adverse harm upon amenity and accords with D DM1 and D DM4 of the Arun Local Plan.

SUMMARY

The proposed development accords with D DM1 and D DM4 of the Arun Local Plan and as such is recommended for approval subject to the following conditions and informatives.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun

District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans
 - Location and Block Plan
 - Proposed Elevations - 748-03-P1
 - Existing and Proposed Floor Plan - 748-01-P1

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 The permission is granted in accordance with 'Report Reference: IMP7104-1 | Industrial Noise Impact Assessment Installation of New Industrial Plant | British Standard BS4142:2014' (dated December 2021) . *As such any plant shall have a maximum Sound Pressure Level of 52dB(A) when measured 1 meter from source. An outlet attenuator shall be included in the extraction system to meet the performance criteria detailed in section 1.4.2 of the Impact Acoustics report.*

Prior to first operation of the premises, a validation report shall be submitted in writing to the Local Planning Authority for approval, to demonstrate the works have been carried out in accordance with the Impact Acoustics report.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Arun Local Plan.

- 4 Prior to the first operation of the premises, a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises, shall be submitted to and approved in writing by the Local Planning Authority. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises and these shall thereafter be operated and retained in compliance with the approved scheme.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Arun Local Plan.

- 5 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received.

For further information, please contact the Environmental Health Department on 01903 737555.

- 6 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.