

Recommendation Report for

REF NO: A/83/20/PD

LOCATION: 1 Marsh House
The Square
Angmering
BN16 4EA

PROPOSAL: Prior notification under Schedule 2, Part 3 Class C for part change of use from retail home and garden shop (A1) to cafe(A3).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	65 sq.m.
SITE CHARACTERISTICS	An existing retail shop.
CHARACTER OF LOCALITY	A local parade of shops close to residential areas.

REPRESENTATIONS

No objection.

2 letters of objection
competition will be unwelcome.

18 letters of support
Additional coffee shop welcome in village.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. Competition is not a material planning consideration.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

WSCC Highways - Prior approval is considered acceptable in highway terms.

ADC Environmental Health - No objection subject to conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted..

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

CLASS A ROAD

CONS AREA

BLDGS SPEC CHAR

DEVELOPMENT PLAN POLICIES

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.

The Neighbourhood Development Plan

No policies in the Neighbourhood Plan are considered relevant to this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

This application falls to be determined under the provisions of Schedule 2, Part 3, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) in respect of a development consisting of a change of use of a building from (a) (i) a use falling within Class A1 (shops) of the Schedule to the Use Classes Order to a use in Class A3 (restaurants and cafes) of that Schedule.

Development is not permitted if:

(a) the cumulative floor space of the existing building changing use under Class C exceeds 150 square metres;

(b) the development (together with any previous development under Class C) would result in more than 150 square metres of floor space in the building having changed use under Class C;

(c) the land or the site on which the building is located is or forms part of a

(i) a site of special scientific interest;

(ii) a safety hazard area; or

(iii) a military explosives storage area;

(d) the site is, or contains, a scheduled monument; or

(e) the land or building is a listed building or is within the curtilage of a listed building.

Conditions

C.2(1) Where the development proposed is development under Class C(a) together with development under Class C(b), development is permitted subject to the condition that before beginning the

development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:

- (a) noise impacts of the development,
- (b) odour impacts of the development,
- (c) impacts of storage and handling of waste in relation to the development,
- (d) impacts of the hours of opening of the development,
- (e) transport and highways impacts of the development,
- (f) whether it is undesirable for the building to change to a use falling within Class A3 (restaurants and cafes) of the Schedule to the Use Classes Order because of the impact of the change of use.
- (i) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) or, as the case may be, Class A2 (financial and professional services) of that Schedule, but only where there is a reasonable prospect of the building being used to provide such services, or
- (ii) where the building is located in a key shopping area, on the sustainability of that shopping area, and
- (g) the siting, design or external appearance of the facilities to be provided under Class C(b),

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(2) Where the development proposed is development under Class C(a) only, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the items referred to in sub-paragraphs (1)(a) to (f) and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(3) Development under Class C is permitted subject to the condition that development under Class C(a), and under Class C(b), if any, must begin within a period of 3 years starting with the prior approval date.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

The developemtn would be 65sq.m. which is less than the 150 sq.m. set out in the GDPO for developments in class C.

A noise condition would be applied to any approval of this application which would ensure the noise impacts of the development were acceptable.

A condition ensuring that a scheme for the extraction of fumes and odours would be applied to any approval ensuring the impact of odours was acceptable.

The location of storage and waste handling facilities has been identified on the submitted plans and a condition limiting the hours of waste collection would be applied to any approval to ensure the impacts of waste handling were acceptable.

The hours of opening have been agreed and would be subject to a condition in any approval which is considered to adequately address the impacts of opening hours.

No additional traffic or footfall is envisioned as a result of the development so therefore the impacts of

transport and highways on the scheme is considered acceptable.

The sustainability of the shopping area is considered to be maintained as a result of the change of use of the shop unit from A1 to A3.

No change of external appearance is proposed as a result of the scheme.

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

NO OBJECTION

- 1 1.The drainage serving the kitchen at the proposed commercial hot food business shall be fitted with a grease trap / separator of a proportionate capacity to effectively contain grease residue arising from the estimated numbers of hot meals served and waste water flow rate. The applicant shall provide the Local Planning Authority with details of their proposed grease trap / separator in order to demonstrate design and installation will be in compliance with BS EN 1825-1:2004 and BS EN 1825-2:2002 (Current Status: 'Under Review') or other effective means of grease removal.

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

Justification: Under Part H: Drainage and waste disposal - Subsection H1: Foul water drainage - Section 2.21 of the Building Regulations 2010 (Revised 2015 Edition) Arun District Council require the provision of a grease trap / separator as a Local Planning Authority condition at all new commercial hot food premises, which have been subject to a planning application for change of use to A3 and / or A5. The grease traps must be British Standard compliant; these standards can be found in Building Regulations, Approved Document H at the following link:

www.planningportal.gov.uk

- 2 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 Adopted Arun Local Plan

- 3 Prior to the first use of the premises, details of any plant (including ventilation, refrigeration and air conditioning) and/or ducting system to be used and the method of control of noise and vibration of this plant shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, retained in perpetuity as agreed and the plant/equipment shall be permanently maintained in good order thereafter.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 and D DM1 of the Arun Local Plan.

- 4 Construction work shall not commence until a scheme for protecting the nearest noise sensitive residential dwellings, has been submitted to and approved in writing by the Local Planning Authority. Following approval and completion of the scheme, a test shall be undertaken by a competent acoustician and submitted to the Local Planning Authority to demonstrate that the attenuation measures proposed in the scheme are effective and protect the noise sensitive residential dwellings from unwanted noise. The details thereafter agreed shall be permanently retained.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 and D DM1 of the Arun Local Plan

- 5 5.The use hereby permitted shall be open to the public 09:00 - 17:00 Monday - Saturday and 09:30 - 13:00 Sunday or any public holiday.

Reason: In the interests of amenity and the environment in accordance with policy D DM1 of the Arun District Local Plan.

- 6 Deliveries or collection of waste 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 Sundays, Bank or other Public Holidays without the prior written consent of the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan

- 7 INFORMATIVE:9.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 737755

- 8 INFORMATIVE:8.The proposed floor plan currently shows one toilet in the premises. The numbers of toilets required will depend on the number of staff and seated customers proposed. Any customer toilets provided must not be accessed via the kitchen or any food handling areas. Please note the requirements for toilet provision in Arun District which can be found at <https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n11788.pdf&ver=11779>