

Recommendation Report for

REF NO: BR/246/20/PD

LOCATION: Lock medic
12 Station Road
Bognor Regis
PO21 1QE

PROPOSAL: Prior notification under Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended under Schedule 2, Part3, Class C for the change of use from shops (A1) to Restaurant/cafe (A3).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks prior approval for the conversion of a shop to a restaurant.
TOPOGRAPHY	Predominantly flat.
TREES	None of affected by the development.
BOUNDARY TREATMENT	The property fronts the street scene.
SITE CHARACTERISTICS	The site forms part of a terraced two storey terrace block with a commercial unit to the ground floor and residential above.
CHARACTER OF LOCALITY	The area is mixed in uses with the site in Bognor town centre.
None.	

REPRESENTATIONS

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Environmental Health - Request conditions relating to a Construction Management Plan, hours of working, contaminated land, grease traps, kitchen extraction systems, WC provisions.

No construction is proposed and as such a construction management plan is considered unnecessary.

WSCC Highways - No vehicular access or parking is proposed and this seems to be the existing arrangement. The LHA appreciates the sustainable location of the site within a short walk to bus and train stops and parking. There are no transport grounds to resist the proposal.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary

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.

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 not permitted

C.1 Development is not permitted by Class C 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
 - (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 no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

HIGHWAYS

The use of the property as a restaurant is not considered to generate a significant additional level of parking pressure beyond that of the existing use. No parking is proposed however the site is in a sustainable location in a short walk to public transport and car parking. WSCC have no objection and there are no transport grounds to resist the proposal.

IMPACTS OF NOISE, ODOUR, STORAGE AND OPENING HOURS

Given its location within the high street, surrounded by other similar businesses the use isn't considered to result in harmful noise or odour impacts. Environmental Health provided comments relating to potential odour such as extraction which will be conditioned.

SUITABILITY OF CHANGE OF USE

The site is in an existing high street which comprises retail uses at ground floor and residential or commercial use above. There are many retail business units in the vicinity of the site and in the nearby shopping area of London Road such that the change of use of the unit would not have an undesirable impact. Further recent changes to the use class include A1 retail as class E along with other uses and a change to another class E would not need permission.

DESIGN AND VISUAL AMENITY

No external changes are included in the application. Therefore, no objections are raised in relation to the design of the proposal.

SUMMARY

It is therefore recommend that no objection is raised to the proposal subject to requested conditions

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 The use hereby permitted shall not be open to the public outside the following hours: 9:00 - 23:00 hours Monday - Saturday and 10:30 - 22:00 hours Sunday or any public holiday.

Reason: In the interests of amenity and the environment in accordance with policies D DM1 of the Arun Local Plan.
- 2 The drainage serving the kitchen(s) at the 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 Arun Local Plan.
- 3 The use hereby permitted shall not be carried on unless and until details of a suitable system for the extraction of cooking odours (including details of the extract fan units, filters, extraction hoods and ducting together with method of noise abatement) has been submitted to and approved in writing by the Local Planning Authority.

The equipment approved under this condition shall be installed by a competent engineer before the use hereby permitted commences and thereafter shall be maintained in accordance with the manufacturer's instructions.

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

- 4 The use hereby permitted shall not be carried on unless and until details of a suitable provision of sanitary accommodation (in line with the guidelines set out within the Arun District Council document entitled: 'Provision of sanitary accommodation in food businesses') has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of maintaining adequate amenity to local residents and visitors to the area in accordance with D DM1 of the Arun Local Plan.

- 5 No construction / demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no 'noisy' work on Sunday or Bank Holidays.

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

- 6 If the applicant has plans to install e.g. any external walk in fridges/freezers or air conditioner units etc on site then consider details, including acoustic specifications, of all fixed plant, machinery and equipment associated with air moving equipment, compressors, generators or plant or equipment of a like kind, installed within the site which has the potential to cause noise disturbance to any noise sensitive receivers, shall be submitted to and approved by the Local Planning Authority before installation. The rating level of noise emitted from the use of this plant, machinery or equipment shall not exceed the measured background sound level when assessed by a competent acoustician using BS 4142:2014, at any adjoining or nearby noise sensitive premises.

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

- 7 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

- 8 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 737755

- 9 INFORMATIVE: 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 w h i c h c a n b e f o u n d a t <https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n11788.pdf&ver=11779>