Recommendation Report for Planning Permission

REF NO: **EG/34/12/**

LOCATION: 21 The Square (kiosk)
Barnham

PROPOSAL: Change of use from a florist (A1 Shops) to a coffee bar (A3 Restaurants & Cafes)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks consent for a change of use from a florist (A1 retai) to coffee bar (A3 restaurant and cafe).
SITE AREA	Approximately 32 sq metres
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	None
SITE CHARACTERISTICS	Detached, modern brick built kiosk. Octagonal pitch slate tiled roof and brick elevations. Currently vacant.
CHARACTER OF LOCALITY	Village centre. Parade of shops comprising mixed commercial, retail and residential use. Barnham Station located directly opposite.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Eastergate Parish Council

Objection. The Council is concerned at the location of the change of use. The kiosk is surrounded on three sides by roads. There is little space and the Council is also concerned that tables and chairs should be prevented from being placed outside the shop. It is considered that there is already more than sufficient availability of take away and eat in premises for the consumption of food or drinks and this change of use will further dilute the availability of existing shops causing potential harm to the sustainability of existing businesses.

4 letters of Objection:-
- Barnham has sufficient venues to eat and drink;
- Barnham is a small village and has Lillies cafe;
- Need to support local shops, not make it harder to make a living;

- Another coffee shop in Barnham will affect [our] business;
- Fall in economic climate and pay/display carpark has left traders in Barnham struggling;
- There are 2 cafes in Barnham and 6 takeaways. As a small village, can't cope with anymore;
- Anymore traffic will add to the parking problem.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Environmental Health

Consultations responses received:

Environmental Health: With regards to food safety, I have concerns over the toilet provision and how an intervening lobby will be achieved. It is a very small unit and there will be limitations as to what can be prepared/achieved in such a small work space. I am unsure as to the storage facilities for the coffee shop, as this is not detailed in the plans, and I would require details on the menu, maximum seating capacity proposed and where the waste disposal will be positioned.

Comments on Consultation responses:

Comments noted. Proposed coffee shop will be a kiosk with limited counter window seating for 6-8 people, serving tea/coffee, pastries and paninis to be heated up. No hot food will be served on the premises and storage of food will be in fridges beneath the counter with drinks displayed in a drinks cabinet. No outside seating is proposed. Storage of waste will be controlled by condition.

POLICY CONTEXT

Designation applicable to site:
Within built-up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	DEV30	Local and Village Centres

PLANNING POLICY GUIDANCE

	NPPF	National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed, particularly with regard to visual and residential amenity.

The Emerging Arun Local Plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. It remains subject to public consultation and the formal adoption process as a whole, and it is therefore of very limited weight in terms of the decision making process at this stage.

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 have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PROPOSAL
The retail unit is located within the Local District Centre of Barnham, at the junction of The Square and Barnham Road. The unit has a floor area is approximately 32 sq metres and is currently vacant, having previously been occupied by a florist. The surrounding area is characterised by a mixture of retail and commercial premises.

The proposal seeks to change the use of the kiosk from A1 (retail) to A3 (coffee shop).

PRINCIPLE
Policy DEV30 resists the change of use from retail for shops which are located outside the defined Principal Shopping Area. The site is located in a village centre, outside the Principal Shopping Area. An exception may be made where it can be demonstrated that retail is no longer a viable use, particularly where the premises have been marketed for a long period and that reasonable attempts have been made to market the premises for retail purposes.

The purpose of this policy is to prevent the loss of local and village shops, which are of community benefit. The retention and development of local services and community facilities, such as local shops, is further amplified at paragraph 28 of the National Planning Policy Framework.

The applicant has submitted supporting evidence to demonstrate that the premises have been subject to a year long marketing campaign to let the premises for A1 retail. The evidence supplied by the applicant shows that the marketing campaign commenced on 7 June 2011 and consisted of:-
- marketing particulars circulated to all applicants seeking retail premises in Barnham and surrounding area;
- advertisement campaigns on two separate occasions within the Bognor Regis Gazette property section;
- website marketing campaign over a period of 1 year;
- marketing board on display at the premises;
- a total of 4 viewings over a period of 12 months.

The submitted marketing evidence concludes that any initial interest in the premises has failed to materialise in a retail tenant. Demand for A1 retail premises is greater in larger city centres and that the lack of demand is compounded by the economic downturn, the small size of the unit and its village location.

The purpose of the National Planning Policy Framework is to contribute to sustainable development and to ensure that the planning system supports economic growth. Paragraph 19

states that planning should operate to encourage and not act as an impediment to sustainable economic growth. Paragraph 21 adds that Local Planning Authorities should....allow a rapid response to changes in economic circumstances.

It is clear that reasonable attempts have been made to let the premises for A1 retail use prior to the consideration of an alternative use, and that an exception to policy DEV30 may therefore be made in this instance. The proposal would enable a vacant unit to be brought back into use and a variety of other A1 retail units are retained in the village centre.

AMENITY
There are no residential properties within the immedite vicinity of the application site. The closest neighbouring residential properties are located approximately 50 metres to the northeast at Saxby Close. The proposed change of use is not considered to adversely affect the amenities of these properties.

ACCESS
The unit occupies a highly sustainable location on a main bus corridor, opposite Barnham Railway Station. The unit is also positioned at the entrance to The Square, with a public carpark within 40 metres, and is easily accessible by public transport and by pedestrians. The site therefore has access to high quality public transport facilties and gives priority to pedestrians, in accordance with paragraph 35 of the National Planning Policy Framework.

SUMMARY
In summary, the evidence submitted by the applicant indicates that there is very limited demand for a retail unit of this size in this location, and that the current economic downturn is compounding the lack of demand. The unit occupies a sustainable location and the proposed change of use would enable a vacant unit to be brought back into use, which is consistent with the general thrust of the National Planning Policy Framework to support economic growth (paragraph 8). It is therefore recommended that planning permission is granted, subject to the conditions outlined below.

HUMAN RIGHTS ACT

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 to 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 (Neutral) 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).

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: Block Plan, Site Location Plan, drawing HC.SB.S.01 Site Plan, drawing HC.SB.L14b Unit 14b lease plan, current floor layout, proposed floor layout, received on 14 May 2012.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

3 The use hereby permitted shall not commence until details for the provision and storage of refuse resulting from the use, has been submitted to and approved in writing by the Local Planning Authority, and such provision shall be retained thereafter.

Reason: In the interests of amenity of occupiers of nearby properties in accordance with Arun District Local Plan policy GEN7 of the Arun District Local Plan.

4 Notwithstanding the provisions of any Town & Country Planning General Permitted Development Order or Use Classes Order, the use hereby permitted shall be restricted to that of a coffee shop and there shall be no cooking of food / produce, other than warming or re-heating of pre-prepared food/produce to take place within the premises.

Reason: To enable the Local Planning Authority to consider the acceptability of alternative use, in accordance with Arun District Local Plan policy GEN7.

5 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY
This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

EG/34/12/

LOCAL PLAN: GEN7, GEN2, DEV30

NATIONAL POLICIES: National Planning Policy Framework (2012)

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.