

REPORT UPDATE

Application No: EP/121/25/PL

Reason for the Update / Changes

Reason for Update/Changes:

The plans have been amended to show the staircase in its correct location. The previous plans showed the rear staircase moving approximately 1-2m. This is incorrect and the staircase will remain in the same location as existing.

The plans to be approved are:

- Location and Block Plan - ARC/178/ 25/04 Rev A
- Proposed Ground Floor Plan - ARC/178/ 25/05 Rev A
- Proposed Elevations - ARC/178/ 25/06 Rev A
- Proposed Sections - ARC/178/ 25/07 Rev A

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO: EP/121/25/PL

LOCATION: 19-21 Sea Road
East Preston
BN16 1JN

PROPOSAL: Change of use of ground floor pharmacy (Class E) to restaurant (Class E) with associated ventilation equipment and external seating. This application is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to change the use from a pharmacy to a restaurant (Class E). This will include an area of outdoor seating to the rear of the site.
SITE CHARACTERISTICS	The site sits within a parade of shops and was most recently used as a pharmacy.
CHARACTER OF LOCALITY	Mixed use. The site falls within a small parade of shops, within a residential area.

RELEVANT SITE HISTORY

EP/122/25/A 1 No externally illuminated fascia sign and 1 No non illuminated projecting sign on front elevation.

REPRESENTATIONS

East Preston Parish Council - Objection.

- Anomalies on the plan.
- Concerns on the outdoor seating, this will obstruct the removal of bins and beer barrels.
- Emergency egress must be carefully considered. The outdoor space is a shared access route with other businesses and residents above and should remain obstruction free.
- The proposal may conflict with fire safety.
- No details are provided to show where rubbish will be stored.

1 letter of objection. A letter of objection was received for the associated advert application however the comments are relevant to this proposal also.

- Object to the outdoor seating.
- The staircase provides emergency fire access for residents above the business.
- The ventilation system will cause smells and noise into outdoor spaces of residents.
- The plans show the addition of a keypad to the outdoor area. Residents have not been made aware of changes to access.

1 letter of support received

- Welcome the addition to the area.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in the conclusion. Alterations to the access of the outdoor area, such as the installation of key pads would be a private matter. Anomalies on the plans are being resolved and an update will be provided at Committee.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health (EH) - No objection subject to conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. A condition was requested by EH regarding construction noise. This has not been applied as the only work required is a rear wall to enable a storage area. The current rear wall will be retained. Internal works to enable the change of use would not require permission. There will be conditions to control plant machinery and to noise associated with the restaurant use.

POLICY CONTEXT

Built up area boundary.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design

DDM4	D DM4 Extensions and alter to exist builds (res and non-res)
QEDM1	QE DM1 Noise Pollution
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development

[East Preston Neighbourhood Plan 2014 Policy 10](#)

Local Shops and Employment

East Preston Neighbourhood Plan 2014 Policy 4

Design in Character Area Three

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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 does not result in adverse harm upon the character of the area, amenity nor upon parking.

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

There are no other material considerations to be weighed in the balance with the Development Plan.

BIODIVERSITY NET GAIN

This application is not BNG liable below the de minimis threshold.

CONCLUSIONS

PRINCIPLE

A pharmacy and restaurant fall within Class E and the different use does not require planning permission. The planning statement notes that permission has been submitted to clearly set out the intentions for the premises and to obtain approval for the ventilation system and consent for the rear outdoor seating area. A small storage area is proposed which would require permission.

DESIGN AND VISUAL AMENITY

ALP Policy D SP1 requires that development proposals make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

The proposal seeks minimal external alterations. This includes the addition of a storage area to the rear, ventilation systems and an outdoor seating area.

The rear (eastern) elevation is recessed towards the centre, where a staircase is located for rear access to the properties above. A small extension is proposed in this area to the ground floor which will have a depth of 2m. No changes are proposed to the rear staircase.

The premises has a ventilation system which will be upgraded and relocated. This currently sits underneath the rear staircase and will be relocated to the eastern elevation. This will not be visible from the street scene, although will be visible from the rear. Passing views from this elevation are minor. It would be visible from those using the outdoor seating. Ventilation systems are present in the area and the location is acceptable. Outdoor seating is proposed to the rear, on existing hardstanding with fencing to the side boundaries, and keypad entry to prevent access out of hours. This area serves as bin storage and its use for seating would improve its visual appearance.

The proposal retains a commercial unit within a parade of shops and the alterations proposed to enable the change of use are minor and do not result in harm upon the character of the area. The appearance of the rear elevation remains largely as existing.

Adverts are proposed to the front which include a fascia sign and a hanging sign to the west. These are subject to EP/122/25/A.

The site is in Character Area Three in the East Preston Proposal Map. The proposals would remain in accordance with EPNDP 4 which supports development which uses suitable building material, with remaining criteria not relevant to this application.

EPNDP Policy 10 relates to local shops and employment and supports development proposals to expand existing shops and businesses, provided they conform to other policies of the Neighbourhood Plan and the development plan. The proposal complies with this policy.

The proposal complies with ALP policies D DM1 and D DM4 and relevant policies from the EPNDP.

RESIDENTIAL AMENITY

ALP Policy D DM1(3) indicates planning permission will only be granted where it has minimal impact on the users or occupiers of nearby land. This would be avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

There are neighbouring residential properties directly to the rear of the site and above the premises,

which have private outdoor space to the first floor.

The air conditioner and ventilation system to the rear is in closer proximity to first-floor occupiers than existing. The application shows some detail about the proposed extract equipment that may be used but has not submitted a noise report or odour assessment. The noise assessment provided simply states it will be low noise equipment and represents an upgrade to existing. In the absence of specific detail, the equipment may give rise to harm to amenity. EH have no objection but request conditions to ensure the impacts can be assessed prior to its use.

An outdoor seating area is proposed. This area is currently used as a secondary rear fire escape and storage area for neighbouring businesses and residents above and contains bin storage associated with the host premises. The floor plan shows 9 tables with seating for 24 people. Concerns have been raised that this may result in obstruction should emergency escape be required. Building Control confirm the work would be controlled under the Building Regulations (including fire safety). There is no change of use in terms of the Building Regulations, but there is a small extension, internal alterations including ventilation to the kitchen and new toilet facilities which would be assessed. The work would require statutory consultation with the Fire Authority. The outdoor seating area and its impact on providing a clear fire route would be considered as part of that process.

The outdoor seating area has the potential for significant noise should people be sitting outside and eating/drinking into the evening. 19 Beechlands Close is within 3m of the boundary of the site and there are outdoor spaces to the first floor serving flats directly above which may be subject to adverse noise. Noise associated with the outdoor seating will be required to be assessed as part of the noise conditions and if shown to be an issue, mitigation would need to be proposed which may include reduced outside hours.

The waste associated with the premises will be relocated to the storage area.

Subject to conditions, the change of use would not result in adverse harm upon amenity in accordance with ALP policies D DM1 and QE DM1.

PARKING

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport.

Arun Parking Standards require 1 space per 5sqm of public area. This would require 12 spaces in total. The site does not benefit from any on-site parking for cars or bicycles, nor is there sufficient space to provide any. The previous shop did not benefit from parking.

There is parking directly outside the premises and the southern end of Sea Road tends to feature a large amount of informal and on-street parking. The site is in a sustainable location with cycle parking a short distance to the north and a car park to the south. There are bus stops adjacent that serve Bus 12 route to and from Littlehampton, providing wider public transport connections to the site. Given the scale and its location, nil provision is acceptable.

The proposal does not include on-site parking, however it is located sustainably and would not result in unacceptable harm to the highway network.

SUMMARY

The development accords with relevant development plan policies and is recommended for approval subject to following 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

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 - ARC/178/ 25/04 Rev A
 - Proposed Ground Floor Plan - ARC/178/ 25/05 Rev A
 - Proposed Elevations - ARC/178/ 25/06 Rev A
 - Proposed Sections - ARC/178/ 25/07 Rev A
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1 and D SP1.
- 3 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 wastewater flow rate. Prior to the first operation of the premises hereby approved, the applicant shall provide the Local Planning Authority with details of their proposed grease trap/separator for approval in writing in order to demonstrate that the design and installation will be compliant with BS EN 1825-1:2004 and BS

EN 1825-2:2002 or other effective means of grease removal. The approved system shall be implemented in accordance with the agreed details and maintained and retained in perpetuity.

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

- 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 shall thereafter be operated and retained in compliance with the approved scheme.

The applicant should refer to the following document:
<https://www.ricardo.com/en/resources/control-of-odour-and-noise-from-commercial-kitchen-exhaust-systems>

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

- 5 Prior to first use of the premises, a scheme for protecting the existing noise sensitive residential dwellings above and adjacent to the proposed commercial unit shall be prepared by a competent person and submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be completed before the development opens for business and retained and maintained in perpetuity. The scheme shall be designed to achieve a minimum airborne sound insulation value of 50dB (DnT, w + Ctr) for floors/ceilings and 48dB (DnT, w + Ctr) for walls.

The applicant should review the Planning Noise Advice Document - Sussex, November 2023:
<https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n19846.pdf&ver=24686>

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

- 6 No internally or externally located plant, machinery equipment or building services plant shall be operated on the site until an assessment of the acoustic impact arising from the operation of all such equipment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken in accordance with BS 4142:2014+A1:2019 and shall include a scheme of attenuation measures to mitigate the adverse impacts identified in the acoustic assessment. The scheme shall ensure that the rating level of noise emitted from the proposed building services plant is 5 dB less than the prevailing background sound level (LA90). The scheme as approved by the Local Planning Authority shall be fully installed prior to first operation of the plant and shall be retained as such thereafter. Any agreed attenuation measures shall be permanently maintained in good working condition.

The applicant should review the Planning Noise Advice Document - Sussex, November 2023:
<https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n19846.pdf&ver=24686>.

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

- 7 The extraction equipment installed in pursuance to Condition No 6 shall be regularly maintained to ensure its continued satisfactory operation and the cooking process shall cease to operate if at any time the extraction equipment ceases to function to the satisfaction of the Local Planning Authority.

Reason: That the use does not result in excessive cooking odours outside the premises and that the amenity of occupiers of nearby properties is protected in accordance with Arun Local Plan policy QE SP1.

- 8 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is de-minimis as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value greater than zero and less than then 5 metres in length of onsite linear habitat.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 9 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.