

EP/156/05

PLANNING APPLICATION REPORT

DESCRIPTION/ ADDRESS	- Change of use of ground floor to A3 (Chinese Restaurant), change of access to existing flat on first floor and installation of extractor duct. 106-108 Sea Road, East Preston.
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THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 280 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Flat.
TREES	None affected by the proposal.
BOUNDARY TREATMENT	1.8m close boarded fencing.
SITE CHARACTERISTICS	End of terrace two storey building with shop on ground floor and residential accommodation above. The ground floor shop has a brown shopfront with door. Shop and living accommodation appear vacant.
CHARACTER OF LOCALITY	Shopping parade with a variety of retail use at ground floor and residential at first floor, detached residential properties to north.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
EP/70/54	3 shops with living accommodation over and 3 garages.	Approved/Conditionally 07-09-1954
EP/84/62	Workshop additions.	Approved/Conditionally 24-08-1962

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
East Preston Parish Council	No Objection.
1 Letter of Objection	The smell from the restaurant will be accentuated by prevailing southerly winds. The presence of an extractor fan adjacent to my property would reduce the value of my property. Another food outlet could worsen the problem of loitering of youths during the evenings, noise and damage to property. The establishment of another food outlet would result in a very unbalanced selection of business.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
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CONSULTEE	SUMMARY OF RESPONSE
Environmental Health	No objection providing the extract ventilation system is installed – condition to be imposed. No objection to the proposed hours of opening.
County Highways	No objection from a highway point of view.
Property Services Manager	I believe that a case has been made for a change of use to A3 through an active marketing campaign and it is my belief that an A3 use may not be detrimental to the continued viability of this parade of shops.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Class C Road

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan : LOC1, DEV1 Arun District Local Plan : GEN7, DEV30

PLANNING POLICY GUIDANCE

PPS1: Delivering sustainable development
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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.
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COMMENT ON CONSULTATION RESPONSES

None.

COMMENT ON REPRESENTATIONS RECEIVED

Details submitted of the extract ventilation system is considered acceptable by the Environmental Health Department. It is not considered that the proposed use would be detrimental to the continued viability of the shopping parade. The loitering of youths is not a planning consideration.
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ASSESSMENT OF PROPOSAL**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:- <i>"If regard is to be had to the development plan for the purpose of any determination to be made</i>

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ASSESSMENT OF PROPOSAL**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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 adjoining properties, nor would it have an adverse impact upon the established character of the surrounding residential 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

The proposal would involve the change of use of the existing ground floor shop to a Chinese restaurant with the installation of an extractor duct on the rear elevation. This duct will be approximately 1m above the roof level to the rear but will not be visible from the front of the property in Sea Road. The property to the rear No 12 Normandy Lane is approximately 12m from the proposal and it is not considered that the extractor duct would be unneighbourly. The residential accommodation will be retained at first floor level and a new entrance for the flat created in the side elevation. The applicant has submitted information to prove that the unit has been empty for more than 4 months and that when it was marketed there was no interest forthcoming for A1 uses only A3 uses. Therefore reasonable attempts were made to market the premises for retail purposes.

There are several restaurants, café premises in the area and the proposed use would still remain compatible with the adjoining retail and business use. It is not considered that the proposed use would be detrimental to the continued viability of this parade and would therefore have no materially adverse effect on the character of the area.

The hours of operation will be in accordance with Nos 103-105 Sea Road which has a planning approval for a public house.

It is therefore recommended that permission should be approved, subject to the conditions set out overleaf.

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RECOMMENDATION

Approve Conditions

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No food or drinks shall be stacked or stored outside the premises at any time unless approved by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.
- 3 The premises shall not be open for trade or business except between the hours of 12.00 noon - 2.00 p.m. and 5.30 p.m. - 11.00 p.m. 7 days a week plus public holidays and there shall be no external illumination on the premises except between the above-mentioned hours.

Reason: To safeguard the amenities of neighbouring properties in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.
- 4 No deliveries shall be taken at the site outside the hours of 7.00 a.m. to 10.00 a.m. nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of the residential amenities of neighbouring properties in accordance with Policy DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

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- 5 The rating level of the noise emitted from the site shall not exceed the existing background noise level by more than 5db. The noise level shall be determined at the nearest noise sensitive premises. The measurements and assessment will be made according to BS 4142:1990.

Reason: To safeguard the amenities of the neighbouring properties and their occupiers accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 6 Before the use is first commenced, provision shall be made at the premises for the collection of customer waste in accordance with details to be submitted to and approved by the Local Planning Authority and such provision shall thereafter be maintained to the satisfaction of the Local Planning Authority whilst the use is taking place.

Reason: In the interests of the amenities of the locality in accordance with policies DEV of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.