

Recommendation Report for Planning Permission

REF NO: EP/50/19/PL

LOCATION: 23 Sea Road
East Preston
BN16 1JN

PROPOSAL: Change of use from A1 (Shops) to A4 (Drinking Establishments) Micro Pub.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to change the use of an A1 shop, to an A4 use.
SITE AREA	N/A.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	None. The unit affronts the front of the site directly.
SITE CHARACTERISTICS	The site is considered to be in a poor state, as it has been unoccupied for approximately 1 year. The site comprises the ground floor of a 3 storey terraced building in a traditional terrace of shops in East Preston.
CHARACTER OF LOCALITY	The area is of a mixed character, in that it is host to a wide and varying design of buildings.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

East Preston Parish Council

Parish Council - No objection

- Concerns were raised regarding people smoking at the rear of the premises.

23 letters of support:

- Focal point of community.
- Brings a disused shop back into use.
- Draws in more tourism.
- Benefits the local community.
- Modernisation of the village.
- Complements existing businesses nearby.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. Smoking cannot be controlled under planning legislation.

CONSULTATIONS

Economic Regeneration

Environmental Health

Sussex Police-Community Safety

CONSULTATION RESPONSES RECEIVED:

Economic Regeneration - No objection.

Sussex 'Designing out Crime' - No objection.

- There are no major concerns with the proposal.

- The front entrance of the shop would need to withstand heavy use.

Environmental Health - No objection, subject to the imposition of conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted, the relevant conditions will be applied. One of the suggested conditions, relating to the shutting of doors and windows is not considered to be appropriate, as it is both unreasonable, and unenforceable.

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

DEVELOPMENT PLAN POLICES

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

SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
DDM1	D DM1 Aspects of form and design quality
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development

[East Preston Neighbourhood Plan 2014 Policy 11](#) Community Facilities

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

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.

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

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 that the proposed development is not considered to have any significantly harmful impact upon the character of the locality, or the residential amenities of nearby dwellings.

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

PRINCIPLE

The proposal is located within an urban area, within the built up area boundary of East Preston at a sustainable location (in that it is well served by local bus services and is located within a suburban centre or shopping parade with associated public parking, alongside other community facilities at a local centre) and therefore the proposal complies policy SD SP1 and SD SP2 of the Arun Local Plan. This is subject to accordance with policies RET SP1, RET DM1 and D DM1 of the Arun Local Plan, and additionally, NEEP 10 of the East Preston Neighbourhood Development Plan.

DESIGN AND VISUAL AMENITY

The proposal seeks to rejuvenate a dilapidated unit, with a use that is considered to be fitting to that of the existing parade of shops. Therefore, the application is considered to be in accordance with D DM1 of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposal is not considered to give rise to any significantly harmful impact upon the residential amenities of nearby dwellings. The openings hours of the unit will be 12-10pm daily, although it will close at 9.30pm on Sundays. There is a rear outdoor area proposed, which will be restricted to an earlier closing than the unit itself, in order to reduce any potentially harmful impact on occupiers of nearby dwellings. Furthermore, a condition will be imposed to ensure that a scheme is submitted, detailing methods taken to protect nearby residential dwellings.

All of proposed conditions are with the agreement of Environmental Health.

Resultant of the conditions imposed, the proposal is considered to be in accordance with D DM1(3) of the Arun Local Plan.

RETAIL

The Economic Development Statement confirms that the unit has been unoccupied as its A1 used since June 2018. Therefore, it is considered that suitable marketing has occurred, in order to demonstrate that that retailing is no longer a viable use for the unit, and resultantly, the application is considered to be in accordance with RET DM1(4). Additionally, the proposal is considered to accord with RET SP1, of the Arun Local Plan, and NEEP11 of the East Preston Neighbourhood Development Plan, in that the use would support the local people, and area, in that it provides a service that does not currently exist within the immediate locality. There are no similar uses within the parade of shops, and as such, there is a shortage of such facilities along the existing parade.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval subject to the 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

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:

- The Standard Bar - Proposed Layout VER.1

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 The use hereby permitted shall be open to the public Monday - Saturday 12:00 - 22:00 Monday - Saturday and 12:00 - 21:30 Sunday or any public holiday. The proposed rear outdoor area, shall only be open to the public Monday - Sunday, 12:00 - 20:00.

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

- 4 No commercial goods shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart, within the application site outside the hours 08:00 to 19:00 Monday to Friday, 08:00 to 18:00 Saturday or at any time on Sunday or Public or Bank Holidays.

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

- 5 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.

- 6 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 dwelling 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.

- 7 There shall be no live or amplified music at any time.

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

- 8 INFORMATIVE:

As stated in condition 6, it is expected that a scheme of noise attenuation to be prepared by a competent person, usually an acoustician who is a member of the Institute of Acoustics or similar professional body. The scheme must demonstrate that the standards outlined in condition 6 will be achieved. The scheme shall have regard to the principles contained within the World Health Organisation (WHO) community noise guidelines and achieve the standards as set out within Table 4: Indoor ambient noise levels for dwellings for both daytime (07:00 to 23:00) and night time (23:00 to 07:00) time periods as set out within BS 8233:2014 to minimise noise disturbance in residential dwellings.

Acoustic specialists can be found using the following link: <https://www.ioa.org.uk/find-acoustics-specialist-or-supplier>

- 9 INFORMATIVE:

With regard to use of the outside space, in order to comply with the requirements of the Health Act 2006, any sheltered area i.e. having a roof, must not be substantially enclosed. Substantially enclosed means that less than 50% of the available wall area is open to the outside air. In practice this means the shelter must not have sides, including doors, windows or other fittings that can be opened or shut, that enclose more than 50% of the shelter.

Please contact Arun District Council's Environmental Health Team on 01903 737755 if you need further assistance.

- 10 **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) 737555.
- 11 **INFORMATIVE:**
With regard to condition 5, the scheme shall ensure that the noise and vibration generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve: NR35 as defined within Table B.1: Noise Rating Values of BS 8233:2014.
- 12 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. 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 National Planning Policy Framework.