

Recommendation Report for Planning Permission

**REF NO:** EP/89/25/PL

**LOCATION:** 123 Sea Road  
East Preston  
BN16 1NX

**PROPOSAL:** Change of Use from a Dog Grooming Parlour (Sui Generis) to Cafe (Class E(b)), installation of awning and outdoor seating. This application is in CIL Zone 4 (Zero Rated) as other development.

<b>SITE AND SURROUNDINGS</b>
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<b>DESCRIPTION OF APPLICATION</b>	As above.
<b>SITE CHARACTERISTICS</b>	The site is occupied by a small, single storey building with a small hardstanding forecourt. The site currently serves as a Dog Grooming Parlour, and is met by Sea Road immediately beyond its forecourt.
<b>CHARACTER OF LOCALITY</b>	The site is in an area a primarily retail and service uses with residential above and within the surrounding area. The site sits within the northernmost section of an Area of Character.

<b>REPRESENTATIONS</b>
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East Preston Parish Council - No objection:  
- Suggesting a physical barrier between the forecourt and the road should be implemented, and advising that the applicant has agreed to include such a barrier.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Noted. Officer's shared this concern, and a physical barrier in the form of fixed planters has been included in the proposals.

<b>CONSULTATIONS</b>
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**CONSULTATION RESPONSES RECEIVED:**

Environmental Health - No objection:  
- Prior to first use condition regarding a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity requested.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted. Following conversations with the agent and Environmental Health, it was found acceptable, given the nature of the proposed use, that a restrictive condition securing that only cold, toasted, or microwave food can be prepared on site would be appropriate and avoid the need for the submission of additional details. This would prevent more intensive, unrestricted cooking/extraction

equipment and associated operations commencing in the future without necessary controls.

## POLICY CONTEXT

Designation applicable to site:  
Built-up Area Boundary.  
Area of Character.

## DEVELOPMENT PLAN POLICIES

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

SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions and alter to exist builds (res and non-res)
ECCSP2	ECC SP2 Energy and climate change mitigation
EMPDM1	EMP DM1 Employment Land: Development Management
ENVDM5	ENV DM5 Development and biodiversity
HERSP1	HER SP1 The Historic Environment
HERDM4	HER DM4 Areas of Character
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development

[East Preston Neighbourhood Plan 2014 Policy 4](#) Design in Character Area Three

East Preston Neighbourhood Plan 2014 Policy 10 Local Shops and Employment

## PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

## SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
EPDS	East Preston Village Design Statement
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 the proposed use would remain in character with the area, and the physical changes would not significantly alter the visual amenities of the site or area. Additionally, the proposal would not unacceptably impact the highway network, nor would it impact the relevant heritage asset. There is conflict with ECC SP2.

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 other material considerations to be weighed in the balance with the Development Plan. Conflict with ECC SP2 is addressed below.

**CONCLUSIONS**

**PRINCIPLE**

The site is comprises a single storey building serving as a Dog Grooming Parlour, and is in the Built-up Area Boundary (BUAB) where the principle of redevelopment is acceptable subject to the consideration of relevant Development Plan policies in accordance with Arun Local Plan (ALP) policy SD SP2.

**CHARACTER AND DESIGN**

The site currently serves as a Dog Grooming Parlour (Sui Generis), which is a business use providing a service for local residents. The proposal is for a change of use and does not proposed any significant physical alterations to the building/site, with the exception of the provision of an awning and fixed planters to the front of the site.

The use is to be a cafe serving drinks and toasted/microwaved food items. Similar restaurant and cafe uses can be found in the vicinity and the proposal would not result in any harmful alterations to the character of the site. It would remain a business use, and the physical alterations are minor.

The site is in Character Area Three as outlined with the East Preston Village design Statement. The proposals would remain in accordance with East Preston Neighbourhood Plan Policy 4.

The proposal is in accordance with ALP policies D SP1, D DM1, and D DM4.

**ENERGY EFFICIENCY**

ALP policy ECC SP2 requires all new commercial development (including conversions, extensions and changes of use) to be energy efficient and to demonstrate how they will:

- a. Achieve energy efficiency measures that reflect the current standards applicable at the time of submission;
- b. Use design and layout to promote energy efficiency; and
- c. Incorporate decentralised, renewable and low carbon energy supply systems, for example small scale renewable energy systems such as solar panels.

As a change of use, criteria a and b are not directly relevant. However, as a change of use providing a new commercial development, ALP policy ECC SP2 expects the proposal to incorporate decentralised, renewable and low carbon energy supply systems such as solar panels. No such provisions have been made as part of the proposal. However, in this instance, given the scale of the property, there is very limited opportunity for such measures to be implemented and if they were, it is likely that they would be very small scale and be of limited benefit. Further, given the scale of the business, it would likely incur a financial burden that is disproportionate to the proposed change of use.

The proposal is not in accordance with ALP policy ECC SP2, but for the reasons outlined above, this does not give rise to such harm that it warrants reason for refusal.

#### EMPLOYMENT

The site is on the edge of a designated shopping area identified in the East Preston Neighbourhood Development Plan (EPNP). EPNP Policy 10 pertains to local shops and employment and states that proposal to '...create new shops and businesses will be supported, provided they conform to other policies of the Neighbourhood Plan and of the development plan'.

The proposal does not result in the loss of employment, and whilst it would result in the loss of an existing business, it would create a new business with two full-time employees. The proposal otherwise conforms to relevant Development Plan policies (with the exception of ALP policies T SP1 and ECC SP2, which, as discussed, are not reasons for refusal in this context).

The proposal is in technical conflict with EPNP Policy 10, but the conflict arises from other policy conflict that are not sufficiently harmful to warrant refusal. As such, technical conflict with EPNP Policy 10 is also not a reason for refusal.

#### ECOLOGY AND BIODIVERSITY

The proposal site is entirely hardstanding and is exempt from statutory biodiversity net gain under the de-minimis exemption. The proposal does include the provision of fixed planters to the front of the site, which would include the provision of some level of biodiversity net gain in accordance with ALP policy ENV DM5.

#### HERITAGE

The site is in an Area of Character. The section of Sea Road in this Area of Character (including the application site), is described as 'a narrow coastal lane with no formal road markings or pavement. This, combined with hedges and small trees, contributes towards an informal character. The road is defined by a flint wall and the view towards the sea is impressive.' The site sits at the northern edge of the Area of Character, and the proposal does not impact any of the described features. The physical changes proposed are limited, and the character of the proposed use is suitable.

The proposal would not result in any harm to the Area of Character in accordance with ALP policies HER SP1 and HER DM4.

#### POLLUTION AND AMENITY

Environmental Health raised no objection subject to a condition requiring the submission of details pertaining to the control of odours/fumes and the maintenance of extraction equipment. Following discussions with the agent and the Environmental Health Officer, and given the nature and scale of the use, it was concluded as acceptable that a condition restricting operations concerning the preparation of food items on site to be limited to the reheating of such items, rather than the former. This is because it is intended that any hot food items for sale would be pre-prepared off-site, delivered, and simply reheated/toasted on site, rather than requiring on-site preparation and cooking.

On this basis, the proposal would not likely give rise to any significant odours/fumes that could prejudice nearby residents and would not require significant extraction equipment. The proposal is therefore, in accordance with ALP policy QE SP1. The restrictive condition is required, as if it were to remain uncontrolled, the proposed use could seek to install more intensive cooking equipment in the future, and give rise to such harms.

Given the scale of the site and nature of the business, deliveries are likely to be brief and unobtrusive. It is not necessary to condition delivery times on this basis. The proposal would not have a significant adverse impact on residential amenity in accordance with ALP policy QE SP1.

#### PARKING

The southern end of Sea Road tends to feature a large amount of informal and on-street parking. Following two separate site visits and from review of remote imaging, there appears to be an underuse of the nearby car park, with individuals perhaps opting to make use of the free on-street parking opportunities instead.

The site does not benefit from on-site parking for cars or bicycles, nor is there sufficient space to provide any. The site operates as a business with an existing parking demand, and the cafe use would have a certain parking demand too. There is no guidance that quantifies the particular level of car/cycle parking provision for a dog grooming parlour, but for a cafe with an approx. 7sqm internal public area and an approx. 9sqm outdoor seating area, the Arun Parking Standards suggest 3 car parking spaces for customers and 2 parking spaces for employees working the 'bar' (serving). The size of the site would not meet the threshold to require cycle parking provisions.

The site is in a sustainable commercial location with a car park and cycle parking a short distance to the north. There are bus stops adjacent that serve the Bus 12 route to and from Littlehampton, providing wider public transport connections to the site. Given the scale of the site and business, and nature of the use (cafe), it is likely that the majority of customers will be from footfall rather than individuals making specific vehicular journeys.

While the existing parking demand for the dog grooming parlour is difficult to quantify without evidence, it could be assumed that the site would have 1-2 employees, and that customers would often travel by car to pick up their dog following a grooming, with 1-2 dogs being groomed at any given time. Thus, there would be a potential parking demand of approx. 3 No. cars at any given time. The

The proposal does not include the necessary on-site parking provisions, but requiring these would be wholly unfeasible for the site and for the reasons outlined above, it is unlikely that the proposal would result in unacceptable harm to the highway network.

#### SUMMARY

The proposal is in accordance with the majority of relevant Development Plan policies, and where there is conflict, the arising harms have been discussed and found to not be sufficient reasons for refusal within the context. On balance, it is recommended that the application be approved subject to the following conditions and informatives.

<b>HUMAN RIGHTS ACT</b>
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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.

#### CIL DETAILS

This application is not CIL liable.

#### 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:

- Proposed and Existing Plans for Change of Use Application, Rev 2 (Dated: 20/10/25).

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

- 3 The use hereby approved shall not be operated outside of the hours between 0700hrs and 1800hrs on any given day.

Reason: In the interests of the general amenity of the locality and to minimise disturbance arising from the activity on the site in accordance with Arun Local Plan policy QE SP1.

- 4 The use hereby approved does not permit the on-site preparation/cooking of hot food, except for the reheating of pre-cooked/pre-prepared food items using a microwave, oven, air fryer, or toasting machine.

Reason: In the interests of residential amenity and to prevent the potential for the uncontrolled intensification of the use in the future in accordance with Arun Local Plan Policy QE SP1.

5 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 5 metres in length of onsite linear habitat.

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