

Recommendation Report for Planning Permission

REF NO: FP/16/19/PL

LOCATION: 1 A Wood Hill Way
Felpham
PO22 8GJ

PROPOSAL: Change of use from shop (A1 Shops) to coffee shop selling coffee & sandwiches (A3 Food & Drink).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal seeks the change of use from (A1 Shops) to coffee shop selling coffee & sandwiches (A3 Food & Drink).
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The site is open to the front.
SITE CHARACTERISTICS	The site is occupied by flats located within a recent development with retail space to the ground floor.
CHARACTER OF LOCALITY	The area is predominately residential.
None	

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Felpham Parish Council

Felpham Parish Council - Objection- subject to assurances that there will be no cooking of food on the premises.

3 representation received from 2 nearby occupiers. 1 for support, 1 for objection and 1 no objection.

- Objection due to additional refrigeration units will create additional noise at night.
- On the information to hand I support the application.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Economic Regeneration

Environmental Health

CONSULTATION RESPONSES RECEIVED:

ADC Environmental Health - An initial consultation response was received which requested conditions relating to ventilation. Following visits from the Environmental Health Officer it was confirmed there was to be no hot cooking and the layout was acceptable.

ADC Economic Regeneration - No objection

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary

DEVELOPMENT PLAN POLICES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development

[Felpham Neighbourhood plan 2014 POLICY BT1](#) Support business expansion

Felpham Neighbourhood Plan 2014 POLICY ESD1 Design of new development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Felpham has a made 'Neighbourhood Plan with policy BT1 and ESD1 of relevance to the application.

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

PRINCIPLE

The site is located within the Built-up Area Boundary. As such the principle of development is acceptable subject to relevant policies within the Local Development Plan which in this case include D DM1 and RET DM1 of the Arun Local Plan.

Felpham has a made 'Neighbourhood Plan with policy BT1 and ESD1 of relevance to the application. The proposal complies with these policies.

DESIGN AND VISUAL AMENITY

The application does not propose any changes to the external appearance of the property.

The proposal does not include details about the installation of any signs to the shopfront and therefore an informative will be included regarding this. As there are no changes to the appearance of the shop front as part of this application the proposal is not considered to impact upon the appearance of the street scene and accord with DDM1 of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY:

The proposal is for the change of use from a shop (A1) to A3 use coffee shop also selling hot sandwiches and is not considered to give rise to any unacceptably adverse overbearing, overshadowing or overlooking impacts on neighbouring properties.

An Environmental Health Officer has visited and is satisfied there is no cooking at the site. There will be a sandwich/panini toasting machines and a microwave. A ceiling air conditioner unit and ceiling fans have been installed following a request from the EH officer. Whilst there is to be heating up of food and no actual cooking, a condition relating to a grease trap will be included to ensure it is disposed off correctly. Due to the submission that there will be no cooking the use does not cover the need for an extraction fan or external flue. Should this be required at a later date separate planning permission would be required. An informative stating this will be imposed on any grant of the proposed change of use.

Whilst there are residential properties above the premises it is not considered that the occupiers of nearby dwellings will be significantly effected by the use in terms of noise or disturbance as a result of the proposed change of use.

The opening hours of the restaurant will be Monday to Saturday 8am to 7pm and 9am to 6pm Sunday and Bank Holidays. It is not considered there will be any adverse impacts as a result of the hours proposed. The hours of operation are to be restricted via condition.

As such is it considered the proposal complies with relevant policies and will not harm the amenity of neighbouring occupiers.

TRANSPORT, ACCESS AND PARKING:

The site is located within a recent development and is considered to be in a sustainable location in close reach of public transport, and cycle routes and within walking distance and in accordance with TSP1 of the Arun Local Plan.

CONCLUSION:

The proposed change of use is deemed to accord with the relevant development policies and as such is recommended for approval subject to the following conditions and informatives.

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 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;

- Proposed Floor Plan
- Location and Floor Plan - 080601

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

- 3 The drainage serving kitchens at this commercial hot food businesses 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 waste water flow rate. The applicant shall provide the Local Planning Authority with details of their proposed grease trap/separator in order to demonstrate design and installation will be in compliance with BS EN 1825-1:2004, & BS EN 1825-2:2004.

Reason: In order to safeguard the amenities of neighbouring properties, in accordance with policy DDM1 of the Arun Local Plan.

- 4 The premises shall not be open for trade or business except between the hours of Monday to Saturday 8am to 7pm and 9am to 6pm Sunday and Bank Holidays without the prior written consent of the Local Planning Authority.

Reason: To safeguard the amenities of the neighbouring properties in accordance with D DM1 of the Arun Local Plan.

- 5 There shall be no outdoor seating unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties in accordance with Arun Local Plan policy QE SP1 and QE DM1.

- 6 The use hereby permitted shall be restricted to that of a cafe/tea room (A3) and shall only be used for the purposes of light meal activities including the use of sandwich/panini toasting machines and a microwave. There shall be no cooking of hot food on the premises.

Reason: In order to protect the amenity of nearby residential properties in accordance with DDM1 of the Arun Local Plan.

- 7 INFORMATIVE: The application does not provide details of any advertisement/signage to the front of the property. This would require the submission of a separate application should this be required.

- 8 INFORMATIVE: This grant of permission is for a change of use from A1 (shop) to A3 (restaurant) only and does not cover the need for any extraction which may involve an external flue. This would require separate planning permission.

- 9 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.