

Recommendation Report for

REF NO: LU/191/19/PD

LOCATION: 52 High Street
Littlehampton
BN17 5SY

PROPOSAL: Notification for Prior Approval for a Change of Use from Financial and Professional Services (Class A2) to Restaurant (Class A3) and alterations to High Street shopfront, provision of extract duct & formation of bin store.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION This proposal relates to the ground floor only and is for change of use under Schedule 2, Part 3, Class C of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) from Class A2 (Financial and Professional) to a restaurant Class A3. The proposal does not involve any details of external ducting other than an arrow on the ground floor plan indicating the position of an extract in the roof. Bin storage is indicated on restaurant plan to take place to the rear.

SITE AREA 135m2 - Restaurant and kitchen area
4.2m2 - Bin Store area
6.2m2 - Rear Yard area
Total area of premises is therefore 149.4m2
Agent has confirmed that the basement store 1 and the Services room are the Landlord's areas and the stair and corridor area are common. Stores 2 and 3 were intended as being available to a retailer if required, the restaurant applicant has not asked for the use of these.

BOUNDARY TREATMENT The building is located on the site frontage. Rear is enclosed by metal fencing approximately 2m high.

SITE CHARACTERISTICS Former bank premises. Currently empty. Banking services were undertaken at ground floor with staff facilities and storage above. Terraced property with dark brown colour openings at ground floor and white fenestration above. Brick built single storey flat roofed extension to rear.

CHARACTER OF LOCALITY Town Centre location with retail/restaurant uses at ground floor and offices/residential uses above.

RELEVANT SITE HISTORY

LU/154/19/PL Change of use of ground floor from banking (A2 Financial & professional services) to retail (A1 Shops), permitted development to form 2 No. flats above plus 1 No. further 10-09-19

flat & extension to form 1 No. two storey dwelling & ancillary alterations.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council
No Objection

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

Environment Agency
Environmental Health
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection

1 car parking space to the rear of the property is proposed. For the proposed Class A3 use, the WSCC car parking supplementary planning guidance suggests that a maximum parking requirement of 1 car parking space per 5m² of restaurant floor space would be required, plus 2 parking spaces per bar for staff. Therefore a maximum of 19 car parking spaces may be provided for this proposal.

The character of trips may change, with more material movements anticipated in the evenings. However, any additional trips generated by the site are not anticipated to cause any significant highway issues. The site is very accessible, being situated within the town centre. Littlehampton Train Station is an approximate 4 minute walk from the site. Bus stops at Anchor Springs, a 2 minute walk, offer connections towards Chichester, Shoreham and Brighton. Public car parks are also within walking distance.

In summary, the movements associated with the existing use have done so safely with no known safety highways concerns. The site is in a sustainable location within walking distance of public transport hubs and public car parks. Consequently, no highways concerns would be raised. In principle, the current GDPO gives limited ability to consider wider highway and transport impacts beyond those set out. The prior approval is therefore considered acceptable in highway terms. During the renovation of the bank to a restaurant, should the need for any scaffolding or skips be required that may affect the public highway; the applicant must seek the appropriate licence to undertake this work.

If the LPA are minded to approve the application an informative should be applied.

Environment Agency - No comment

Environmental Health - No comment

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

DEVELOPMENT PLAN POLICIES

POLICY COMMENTARY

The application is determined under the provisions of Class C of the Town and Country Planning (General Permitted Development) Order 2016 in respect of a development consisting of a change of use of a building to a use falling within Class C3 (restaurant and cafes) of the Schedule to the Use Classes Order from a use falling within Class A1 (Retail) of that Schedule.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

This application falls to be determined under the provisions of Class C of the Town and Country Planning (General Permitted Development) Order 2016 in respect of a development consisting of a change of use of a building and any land within its curtilage to a use falling within Class A3 (restaurant) of the Schedule to the Use Classes Order from a use falling within Class A2 (Financial and Professional Services) of that schedule.

The principle of the development is not in dispute. Class C allows for the change of use (and limited building operations) provided that:

- (a) the cumulative floor space of the existing building changing under Class C does not exceed 150 sq metres;
- (b) the development (together with any previous development under Class C) would result in more than 150 sq m of floor area in the building having changed use under Class C.
- (c) the land or the site on which the building is located is or forms part of -
 - i) a site of special scientific interest
 - ii) a safety hazard area; or
 - iii) a military explosives storage area
- (d) the site is, or contains, a scheduled monument, or
- (e) the land or building is a listed building or is within the curtilage of a listed building.

The above criteria are considered to have been met. The floor area is approximately 149.4 sqm

Class C (paragraph 1) states that an application must be made to determine whether or not the prior approval of the Council will be required in respect of:

- (a) noise impacts of the development
- (b) odour impacts of the development
- (c) impacts of storage and handling of waste in relation to the development
- (d) impacts of hours of opening of the development
- (e) transport and highways impacts of the development,
- (f) whether it is undesirable for the building to change to a use falling within Class A3 (restaurant) because of the impact of the change of use- (i) on adequate provision of financial and professional services or (ii) the sustainability of that shopping area.
- (g) the siting, design or external appearance of the facilities to be provided for ventilation/extraction and

storage of rubbish

The Order also states that the provisions of Paragraph W shall apply in relation to any application and part (10) of paragraph W includes the following:

"(10) The local planning authority must, when determining an application

(a) take into account any representations made to them as a result of any consultation under subparagraphs (5) or (6) and any notice given under sub-paragraph (8);

(b) have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012(a), so far as relevant to the subject matter of the prior approval, as if the application were a planning application; and

(c) in relation to the contamination risks on the site

(i) determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990(b), and in doing so have regard to the Contaminated Land Statutory Guidance issued by the Secretary of State for the Environment, Food and Rural Affairs in April 2012(c), and

(ii) if they determine that the site will be contaminated land, refuse to give prior approval."

This allows the local planning authority to have regard to any representations received and the NPPF but only in relation to the issues stated above. Advice has been received from the DCLG which confirms that it is not possible to refuse prior approval on the basis of an issue/impact not listed above.

The Local Planning Authority has 56 days to provide its comments to the applicant's agent or it is deemed that they have no objection. Unfortunately the 56 day limit expired on 16-08-2019. The proposal accords with the requirements of Class C and therefore no objection is raised but no conditions can be imposed other than the plans informative has been added for clarity. Should the use of the site result in a statutory noise nuisance environmental health would have powers to enforce.

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

TRANSPORT AND HIGHWAYS

The use of the property as a restaurant is not considered to generate a significant additional level of parking pressure beyond that of the existing A1 use for which the property already has permission. As such it is considered to be acceptable in highway and transport terms.

IMPACTS OF NOISE, ODOUR, STORAGE AND OPENING HOURS

Environmental Health have not provided any comment. Storage would be controlled by Environmental Health if problems arise in the future.

Delivery times are not restricted to adjoining retail units. Opening of other units such as the pub opposite and to the west have no limits. The potential increase in opening hours of the premises beyond those normally associated with a retail use is considered reasonable and it is not possible to restrict the hours

of opening in the interest of residential amenity. It is noted that there are no adjoining units which are in restaurant use which open in the evenings but there is a pub to the north west which opens in the evenings.

SUITABILITY OF CHANGE OF USE

The site is situated within an existing retail parade which comprises retail uses at ground floor and residential/commercial use above. The shopping area in this location provides key services to local residents and tourists. There are many retail business units in the vicinity of the application site which is located within a shopping area as such the loss of this unit would not have an undesirable impact.

NPPF

The proposal for the change of use is considered to comply with the National Planning Policy Framework so far as relevant to the subject matter of prior approval

DESIGN AND VISUAL AMENITY

The shop front changes indicated in the application have been approved under LU/154/19/PL. Therefore, no objections are raised in relation to the design of the proposal.

CONTAMINATION

There are no issues of land contamination relevant to this prior notification.

SUMMARY

It is therefore recommend that no objection is raised to the proposal subject to requested 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

NO OBJECTION

- 1 INFORMATIVE:
Temporary Works Required During Construction
The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway
- 2 INFORMATIVE:
For the avoidance of doubt the approved details are drawing Site/Location 040519/TP.03, Proposed Restaurant Plan 040519/TP.01, Front and Rear Elevations as Proposed 040519/TP.02 and Proposed Alterations to Shopfront 040519/TP.04.
- 3 INFORMATIVE: Registration of Food Premises: The premises may require Registration under the Food Safety Act 1990 and will need to comply with the standards contained in the relevant Food Hygiene Regulations prior to becoming operational/ The applicant is advised to contact Environmental Health for further information.