

PLANNING APPLICATION REPORT**REF NO:** LU/257/08/**LOCATION:** 26 High Street
Littlehampton**PROPOSAL:** Change of use from offices to ground floor restaurant and first and second floor flats.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	Change of use from offices to ground floor restaurant with single storey extension to rear. Conversion of first floor to one bedroom flat and second floor to two bedroom flat. The proposed single storey extension on the rear measures approximately 4.6m (maximum) in width, 4.8m (maximum) in depth and 2.9m in height.
SITE AREA	Approximately 180 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Front boundary is open to the highway, rear boundary has brick wall approximately 2m in height.
SITE CHARACTERISTICS	Three storey commercial building. Existing premises has office accommodatiion on the ground floor currently Hobdens Management with offices above at first and second level. The building has red brickwork, white bay windows, brown tiled pitched roof. Stairwell to rear is access for first and second floors.
CHARACTER OF LOCALITY	Within the Littlehampton Town Centre comprising retail and commercial premises.

RELEVANT SITE HISTORY

LU/264/89	New shopfront and change of use of West section of ground floor to estate agents office	Approve Cond 19-06-1989
LU/278/83	Fit new window and door on ground floor	Approve Cond 17-08-1983
LU/338/64	Use as additional office	

Approve Cond
31-12-1964

REPRESENTATIONS

Representations received:

Littlehampton Town Council

No objection.

1 Letter of Objection.

I believe the extended restaurant will provide more odour that makes the area pollutnat as well as attracting rodent.

Comments on Representations received:

Noted. Environmental Health have raised no objection as the existing ventilation measures are adequate. Pest control is controlled under Environmental Health legislation.

CONSULTATIONS

Head of Highways and Transport

Environmental Health - John Green

Consultations responses received:

Head of Highways and Transport

The vehicle parking provision is within the maximum standards as set out by WSCC. There is a Public Right of Way to the rear of the site as footpath 24Li. The plans submitted do not appear to have an affect upon this right of way. However, should this change and the right of way requires altering or would be obstructed then the applicant is advised to contact the West Sussex County Council Public Rights of Way team for advice. There would be a requirement for the development to include an element of cycle parking.

Environmental Health (Private Sector Housing)

No objections in principle but the submitted plans do not appear to show living rooms only bedrooms and this would indicate the property may be creating a house in multiple occupation. If this is the case that would necessitate licensing and the applicant/developer is advised to contact Environmental Health.

Environmental Health (Food Safety Officer)

The proposal for added seating to the existing restaurant is noted. No proposal for increased food preparation and the new store situated at rear of new toilets in extension, is accessed through toilet lobby, which is not acceptable if used as a food store room and on this basis I cannot support the application. To increase the capacity of the limited current food production and food storage areas for both premises a layout change could be achieved with direct attachment to the current kitchen at No 24.

Environmental Health (Pollution)

Having considered the revised plans that have been submitted Environmental Health removes any objection to this application. The applicant has satisfied us that the existing ventilation measures are adequate.

Comments on Consultation responses:

Comments noted.

Head of Highways and Transport

With regard to the public right of way to the rear of the premises an informative can be placed on any approval. However, the provision of cycle parking within the site cannot be accommodated.

Environmental Health

2nd Consultation

Substitute plans have been submitted regarding the layout of the flats on the first and second floors which address the issues raised by the Private Sector Housing section.

Substitute plans have been submitted which amend the layout to the restaurant, new food preparation room and toilet facilities and now address the issues raised by the Food Safety Officer.

POLICY CONTEXT

Within Built Up Area Boundary
Class A Road

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan:	LOC1	Locational Strategy
	CH1	Character
	DEV1	High Quality Development
Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN32	Noise Pollution
	DEV26	Criteria for Retail Development

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS23	Planning and Pollution Control

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.

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

The property is currently occupied on the ground floor by Hobdens Property Management and the first and second floors as offices. The application seeks to change the use of the ground floor to a restaurant which will be used in conjunction with the adjacent indian restaurant at No 24 and convert the existing offices on the first and second floor to flats. A single storey extension to the rear is also proposed to provide additional toilet facilities.

The ground floor restaurant area will create additional seating and a new arched opening will be formed into the adjacent restaurant at No 28. The proposed single storey extension will be sited to the rear boundary and will be the same height as the neighbouring kitchen extension of No 24. This will create a disabled toilet, female and male wc for the restaurant. There is a walkway to the rear of the site but it is not considered that this single storey addition would detrimentally harm any neighbouring property by way of overbearing effect or overshadowing.

The first and second floors are accessed by a stairwell to the rear of the premises. The first floor offices are to be converted into a one bedroom flat and the second floor offices into a two bedroom flat.

Environmental Health initially raised concerns regarding the food preparation area which was accessed through the toilet lobby. Substitute plans have been received which show a revised layout by providing an additional food preparation room incorporating a wash facility and storeroom. Additional toilet facilities with disabled wc have been provided which now address the issues raised by Environmental Health.

County Highway's have raised no objection regarding highway safety but request that cycle parking be provided within the site. This cannot be achieved within the site and there is no justification to refuse the application for the lack of cycle parking.

It is considered that the proposed use in this location is acceptable and complies with relevant development plan policies and it is therefore recommended that the application be approved, subject to the following conditions.

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 premises shall not be open for trade or business except between the hours of
Monday to Thursday 1200 (Midday) - 1200 (Midnight)
Friday and Saturday 1200 (Midday) - 1200 (Midnight)
Sunday and Bank Holidays 1200 (Midday) - 1200 (Midnight)

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 materials and finishes of the external walls of the extension hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 4 This permission relates to the plans as submitted and amended by substitute plans dated 7th and 27th October, 2008.

Reason: For the avoidance of doubt.

- 5 INFORMATIVE: Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

STRUCTURE PLAN: LOC1, CH1, DEV1

LOCAL PLAN: GEN2, GEN7, GEN32, DEV26

NATIONAL POLICIES: PPS1, PPS23

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.