P/133/07

PLANNING APPLICATIONS REPORT

DESCRIPTION/ ADDRESS	-	Continuance of use without compliance with condition no 2 imposed under planning reference P/15/96 to change from café to general A3 use of premises 10 The Parade Bognor Regis West Sussex

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	50 square metres approximately
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Flat
TREES	None affected
BOUNDARY TREATMENT	Front boundary defined by public
SITE CHARACTERISTICS	End of terraced brown brick three-storey purpose built shopping parade with ground floor predominately glazed commercial premises and residential accommodation over
CHARACTER OF LOCALITY	Commercial shopping parade with ground floor premises and residential accommodation over

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
P/15/96	Change of use from dress shop to tea room	Approved Conditionally 23-04-1996
P/14/06	Change of use from Teashop (sui generis) to A3	Withdrawn 24-02-2006
P/112/06	Variation of condition 2 on planning permission P/15/96 to allow general A3 use of premises	Refused 15-09-2006
P/84/07	Variation of condition No's 2 & 3 imposed under P/15/96 to allow general A3 use of premises and alterations to hours of opening	Refused 19-09-2007

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Pagham Parish Council	Awaited
LOCAL GROUPS	None

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REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
OTHER	None

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
District Environmental Health	No objection in principle from EH Pollution Team to alternative A3 use, subject to full details of proposed use and details of an appropriate extract ventilation system. The condition suggested by the applicant agent seems reasonable however in designing an appropriate extract system regard should be paid to DEFRA "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems" (Jan 2005). Annex B provides detail of the information required to support a planning application for a commercial kitchen. This information on the exhaust system supplied in the current application is however totally inadequate. Noted proposed extract system, supplier; Ves are know manufacturers and system does indicate inclusion of bag filter and carbon filers. Manufacturers drawings do not include their information on extract rate, decibel levels or dwell time. Letter from installer indicating only 12 air changes per hour, which is too low for a commercial kitchen. Original drawings do show a very small kitchen and cooking area, and lack of adequate sanitary accommodation for customers.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan: LOC1, DEV1, DEV5, ERA5, ERA1
Arun District Local Plan: GEN7, GEN12, GEN32, GEN34, DEV26

PLANNING POLICY GUIDANCE

PPS1: Delivering Sustainable Development
PPS6: Town Centres and Retail Development
PPS23: Pollution Control, Air and Water Quality
PPG24: Planning and Noise

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to unacceptable impacts on adjoining land use or property.

COMMENT ON CONSULTATION RESPONSES

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COMMENT ON CONSULTATION RESPONSES

Noted. In previous consultation response in regard to application P/84/07 District Environmental Health stated, *"agent advised not possible to provide further details of the ventilation system until the actual user is known. In the circumstances, would be prepared to raise no objection if a condition was imposed requiring that no use took place until a ventilation system was installed to the approval of the LPA."*

COMMENT ON REPRESENTATIONS RECEIVED

None.

ASSESSMENT OF PROPOSAL

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 would have no materially adverse effect on either the visual amenities of the locality, residential amenities of neighbouring land uses, or parking provision.

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 previous application P/84/07 was refused solely for the reason that the increased hours of operation would result in disturbance to adjoining uses, to the detriment of their amenities. In the current application, the hours of operation remain unaltered.

Limited mechanical ventilation system detail has been provided. The comments by Environmental Health are noted. Policy DEV26 states applications for A3 use need to be accompanied by details of the provision for the extraction of fumes and cooking odours. However in previous application, no mechanical ventilation system details were supplied. In that application Environmental Health were satisfied in regard to potential odour impact, provided condition be attached requiring that no use takes place until a ventilation system was installed to the approval of the Local Authority.

The traffic movements and activity generated from the use is not considered dissimilar to that of the current A3 use, and sufficient off-street parking is available in the immediate vicinity to accommodate any greater movements. It is therefore recommended that the planning application should be approved, subject to the conditions set out overleaf.

RECOMMENDATION P/133/07/

TOWN AND COUNTRY PLANNING ACT 1990

RECOMMENDATION

Application Ref: P/133/07/

1 **To Addressee**

2 **Site Address**

10 The Parade
Bognor Regis
West Sussex
PO21 4TW

3 **Description of Development**

Continuance of use without compliance with condition no 2 imposed under planning reference P/15/96 to change from cafe to general A3 use of premises.

4 In pursuance of their powers under this Act and related Orders and Regulations the Council PERMIT this development to be carried out in accordance with the application and plan and subject to compliance with the conditions specified.

BMMP

RECOMMENDATION

CONDITION 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).

CONDITION 2 The use hereby permitted shall not commence until mechanical ventilation system details are submitted to and approved by the Local Planning Authority, and until such time as the approved mechanical ventilation system is installed and at operational capacity. The mechanical ventilation system shall be retained and maintained as such thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of the amenities of adjoining occupiers in accordance with policies DEV1, ERA5 of the West Sussex Structure Plan and GEN7, GEN32, GEN34 of the Arun District Local Plan.

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, or parking provision, and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

STRUCTURE PLAN: LOC1, DEV1, DEV5, ERA1, ERA5

LOCAL PLAN: GEN7, GEN12, GEN32, GEN34, DEV26

NATIONAL POLICIES: PPS1, PSS6, PPS23, PPG24

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

Case Officer: Mr M Porter