Ref: R/156/07/

PLANNING APPLICATIONS REPORT

DESCRIPTION/ ADDRESS	-	Change of use from offices and store to A5 with store (Resubmission of R/67/07/). The Corner House, Station Road, Rustington.

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	57.75 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A.
TOPOGRAPHY	Predominately flat.
TREES	None.
BOUNDARY TREATMENT	Open vehicular access, with walling to either side. 1m high walling with railings above surrounding the rear of the site.
SITE CHARACTERISTICS	Two storey terraced property, which consists of red/brown brick walls and a brown tiled roof. Pitched roof element to front. 'The Corner House' computer shop is located at ground floor level, with residential units above.
CHARACTER OF LOCALITY	Mixed retail/residential area. Station Parade and car park is located to the north side of the site. Station Parade consists of an L-shaped row of two storey buildings, with commercial/retail units at ground floor level and residential units above. Two storey block of retirement apartments located opposite the application site.

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RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
R/55/51/	Addition of store and WC.	Approved 10-07-1951.
R/70/51/	Store and WC.	Approved 17-08-1951.
R/85/51/	Addition of storeroom and WC.	Approved 25-09-1951.
R/11/55/	Extension.	Approved Conditionally 01-02-1955.
R/72/57/	Corner & living accommodation extensions.	Approved 18-06-1957.
R/163/60/	Café extension.	Approved 27-09-1960.
R/73/66/	Alterations and additions.	Refuse 17-05-1966.
R/4/67/	Alterations & additions.	Approved Conditionally 10-02-1967.
R/58/67/	Garage & store.	Approved 04-05-1967.
R/112/67/	Garage & Store.	Approved Conditionally 05-07-1967.
R/196/74/	Extension to form 2 bedrooms to existing dwelling flat.	Approved Conditionally 15-11-1974.
R/11/97/	Change of use from café to offices at ground floor only.	Approved Conditionally 16-04-1997.

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Rustington Parish Council	No Objection.
Local Groups	None
Other	None.

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CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Environmental Health	**Amended comments, following the submission of additional information:** No Objection: Provided the previous specifications and limits on openings hours to eliminate odours & noise from the duct terminal, the recent proposal to locate the fan within the building overcomes my outstanding concerns.
County Highways	No highway objection is raised subject to a fence being erected to prevent crossing direct from the adjacent car park and that it is maintained in perpetuity. The development not includes a barrier in the form of a fence to prevent customers entering and leaving the site via the adjacent car park where the levels are different and where conflicts with cars may have arisen if this were not erected. Although the applicant has identified that parking would still be likely to take place in the adjacent car park in front of the neighbouring shops, pedestrians will still need to walk around to the front of the premises. However, given the barrier, they will have to use the more formalised route which should take them away from the aforementioned conflict zones. In addition, a short-term parking area exists to the front of the premises (on land likely to be highway) and this should also cater for visitors to the facility.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built up Area Boundary Class 'B' Road Class 'C' Road Public Sewer on Site

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan: LOC1, CH1, DEV1.
Arun District Local Plan: GEN2, GEN7, GEN32, DEV26.

PLANNING POLICY GUIDANCE

PPS1 - Delivering Sustainable Development
PPG13 - Transport
PPG24 - Planning and Noise

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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.

COMMENT ON CONSULTATION RESPONSES

In reference to Environmental Heaths comments, the previous specifications and limits on openings hours to eliminate odours & noise from the duct terminal will still apply to this application. A condition will be added to the application, which relates to hours of operation.

With regard to County Highways comments, the agent has stated within his Design and Access Statement that a 1220mm timber fence is to be erected along the north boundary of the site to fill the present gap between the existing boundary wall and the front of the property by Station Road. This fencing is also detailed on the submitted plans. A condition will be imposed on the planning permission, in order to ensure that the fence is retained in perpetuity.

COMMENT ON REPRESENTATIONS RECEIVED

Noted.

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 it would have no materially adverse effect on the amenities of the locality or the amenities enjoyed by the occupiers of adjoining residential units, nor would it have an adverse impact upon the established character of the surrounding area which comprises a mixture of retail/commercial uses.

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.

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CONCLUSIONS

The proposed change of use relates to an existing ground floor retail unit and detached store to the rear of the main building. The proposal would involve change of use from offices and store to Hot food takeaway (class A5) with store.

The Councils Environmental Health Officers have raised no objection to the proposed change of use, subject to a condition relating to hours of operation. Further, County Highways have raised no objection, provided a condition is imposed on the planning permission to ensure that the proposed fence is retained in perpetuity.

The proposal would involve minor external alterations to the building, including changes to the fenestration details of the building and the addition of an extraction duct. Following consultation with the Council's own Environmental Health Officers, the extraction fan has been located within the building in order to prevent any adverse effect upon neighboring residents by way of noise and disturbance. The proposed fan is therefore considered to be acceptable and due to its height and position would not, it is considered; detrimentally affect the residential amenities of any neighbouring property by way of noise and disturbance.

The surrounding area is mixed commercial/residential. Station Parade shopping precinct is located north of the site, consisting of commercial units at ground floor level and residential units above. It is noted that there is a Fish & Chips shop and Chinese takeaway shop located within this precinct. Taking this into consideration, together with the potential increased use of the site generated by the proposed takeaway, it is not considered that this proposal would detrimentally impact upon the amenities or character of the surrounding area, in that it would not adversely affect the range of facilities and services available. Further it is considered that the proposed change of use from class A1 to A5 would cause no detrimental harm to the amenities currently enjoyed by the occupiers of any adjacent unit within any of the surrounding premises.

It is therefore recommended that planning permission should be granted, subject to the conditions set out overleaf.

TOWN AND COUNTRY PLANNING ACT 1990

RECOMMENDATION

Application Ref: R/156/07/

1 **To Addressee**

2 **Site Address**
The Corner House
Station Road
Rustington

3 **Description of Development**
Change of use from offices and store to A5 with store (Resubmission of R/67/07)

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.

RECOMMENDATION

R/156/07/

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 materials and finishes of the external walls of the building 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.

CONDITION 3 The use hereby permitted shall not be operated on at any time otherwise than between the hours of 17:00 to 23:00 hours of the same day.

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.

CONDITION 4 The use hereby permitted shall not be carried on until the 1220mm high fencing detailed on DWG 1 has been erected on site and the fencing shall thereafter be maintained in perpetuity.

Reason: In the interests of Highway Safety in accordance with PPG13: Transport.

CONDITION 5 This permission relates to the plans and supporting information as submitted and amended by substitute DWG1 dated 21st September 2007 and Crisp Air Limited's supporting information dated 7th August 2007.

Reason: For the avoidance of doubt and because the scheme as originally submitted was unacceptable to the Local Planning Authority.

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 materially adverse effect on the amenities of the locality or the amenities enjoyed by the occupiers of adjoining residential units, nor would it have an adverse impact upon the established character of the surrounding area which comprises a mixture of retail/commercial uses 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, PPG13, 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: Miss C Forrest