PLANNING APPLICATION REPORT

REF NO: **R/229/09/**

LOCATION: 60 The Street
Rustington

PROPOSAL: Variation of condition 2 of planning approval R/51/04 relating to opening hours

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed hours of use are to be 08:00 to 00:30 Monday to Saturday also Bank Holidays and Sundays 08:00 to 23:00.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The shop frontage adjoins the public highway.
SITE CHARACTERISTICS	2 storey building, shop display window at ground floor level. Office at 1st floor level.
CHARACTER OF LOCALITY	The site is located a within a parade of shops. Close proximity to the principle shopping area of Rustington. Church opposite the site, public house to the west.

RELEVANT SITE HISTORY

R/51/04/	Change of use only to class A3 for take-away pizza and fried chicken	Approve Cond 05-05-2004

REPRESENTATIONS

Representations received:
Rustington Parish Council
No objection.
Comments on Representations received:
None

CONSULTATIONS

Environmental Health
Consultations responses received:
Environmental Health: Unlikely that any noise arising on the premises during the additional

hours will significantly impact upon local amenity. The significance of any further noise in the general vicinity of the premises generated by customers during the additional hours may be affected by the opening hours of similar premises in the area.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Within the Built-up Area Boundary

DEVELOPMENT PLAN POLICIES

South East Plan:		
Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	DEV30	Local and Village Centres

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development

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 proposal seeks permission to vary condition 2 of the previous planning application R/51/04 relating to the opening hours of the premises. The proposed hours of use would extend the evening opening hours of the takeaway by 1 1/2 hours Monday-Saturday and 1 hour Bank Holidays and Sundays.

Environmental Health have made no objection to the proposed extended hours of opening and that any noise arising from the premises will not significantly impact upon local amenity given that

there is no residential properties within the immediate vicinity.

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 08:00 to 00:30 Monday to Saturday and 08:00 to 22:00 Sundays and Bank Holidays.

Reason: To safeguard the amenities of neighbouring properties in accordance with policy GEN7 of the Arun District Local Plan.

3 The use hereby approved shall not be begun until details of an odour and noise ventilation system have been submitted to and approved in writing. The system so approved shall be installed before the use commences and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to prevent noise/odour nuisance in accordance with policies GEN7 and GEN32 of the Arun District Local Plan.

4 Before the use is first commenced, provision shall be made at the premises for the collection of customer waste in accordance with details to be submitted to and approved by the Local Planning Authority and such provision shall thereafter be maintained to the satisfaction of the Local Planning Authority whilst the use is taking place.

Reason: In the interests of the amenities of the locality in accordance with policy GEN7 of the Arun District Local Plan.

5 This permission relates to the following approved 1:1250 Location Plan.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

6 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

LOCAL PLAN: GEN2, GEN7

NATIONAL POLICIES: PPS1

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