Expires 22/5

Development Control – Delegated Officer Report

Application Number: ADC/0114/09 **Recommendation – Permit Application**

Site: **15 East Street Shoreham-by-Sea West Sussex BN43 5ZE**

Proposal: **Change of use from shop (Class A1) to coffee shop (Class A3)**

The Application

The application site is a vacant shop unit on the western side of East Street, between Adurvision and The British Red Cross shop. There is a flat at first floor in separate ownership. It is proposed to change the use of the ground floor of the premises to a café/coffee bar within Class A3. The premises has a ground floor area of 100 square metres and amended plans show a small kitchen/preparation area, a coffee bar and seating for about 20-30 people. The site lies within the Conservation Area but there are no external changes proposed to the front of the building.

Consultations and Representations

Consultations/Comments

Adur District Council — The Environmental Health Officer has concerns about the internal layout but has no objection in principle subject to conditions requiring details of any extraction flue and noise insulation

ADCAG – No objection

Third Parties

3 letters of objection received from the owner/occupiers of 11 East Street, the flat above13-15 East Street and 20 Church Street on the following grounds:

- Adequate number of food outlets in East Street already
- Increased litter and congestion on the pavements from outdoor seating
- Proposal will not provide a balance of uses
- Noise disturbance to flat above
- Sound insulation should be provided in accordance with Building Regulations

- Cooking odours
- Inadequate area for waste storage – likely to attract vermin
- No provision for extraction units
- Extraction units likely to result in noise and smells

Relevant Planning Policies and Guidance

South East Plan 2006-2026 (GOSE) TC2
Adopted Adur District Local Plan 1993 – 2006 (ADC 1996): AG1, AB4, AS1
PPS1 'Delivering Sustainable Development (ODPM 2005)
PPS6 'Planning for Town Centres' (ODPM 2005)
PPG24 'Planning and Noise' (DoE 1994)

Planning Assessment

Policies

The main concerns are the effects of the proposal on the vitality and viability of the shopping centre, on the residential amenities of living accommodation in the locality and on the character of the Conservation Area.

The site lies within the shopping area as defined on the Proposals Map. Policy AS1 of the Local Plan states that permission will be granted for changes of use of premises within this area for shopping and food and drink purposes falling within Use Classes A1 and A3 subject to, among others, there is no loss of residential amenity and the proposal does not detract from the character and vitality of the area.

TC2 of the South East Plan states that local authorities should have regard, among other criteria, to the potential impact on the vitality and viability of town centres. This advice is repeated in PPS6 which states that "a diversity of uses in centres makes an important contribution to their vitality and viability. Different but complementary uses, during the day and evening, can reinforce each other, making town centres more attractive to local residents, shoppers and visitors" (para 2.22).

Impact on vitality and viability of town centre

As a result of policy AS1, there is no objection to the principle of the proposed A3 use in this location. The applicant proposes an A3 use rather than a drinking establishment (which would be an A4 use) or hot food take-away (A5). The proposal is to use the premises as a cafe for the sale of food and drink for consumption on the premises.

PPS6 makes it clear that it is not the role of the planning system to restrict competition, preserve existing commercial interests or prevent innovation. The premises are adjacent to a mixture of A1, A2, A3 and A4 uses. East Street currently has a mix of uses which complement the retail function of the area.

There are presently four café's and restaurants on the opposite side of the street, namely La Galleria, the Angel Bar, Teddies and Toast by the Coast. Retail uses, a public house and bank are on the same side of East Street.

The adopted Local Plan policies do not provide any limit on the number of premises providing food and drink, even in prime frontages. It is therefore considered refusal on this ground would be difficult to justify.

The site has been vacant since QS vacated earlier in the year and the empty shopfront detracts from the area. It is not considered that a further A3 use would detract from the vitality or viability of the area and would not compromise the retail function of the street, particularly as there are no other such uses on the west side of East Street. Retail uses would remain on either side of the site and, while A3 uses could include restaurants, the current proposal is for a café serving coffees and light snacks only.

Residential amenity

There is a flat above the premises which also sits above Adurvision to the south. There are also residential properties at the rear of the site in Church Street. The main concern is the potential for increased disturbance to residents as a result of the change in the use of the building.

The applicant has requested that the café be open from 7am to 7pm Monday to Saturday and 7am to 5pm on Sundays. It is considered that this would have the potential to disturb nearby residents, particularly in the flat above, and more restricted opening hours are therefore being allowed, to be more in line with, but not identical to, Toast by the Coast, a similar type of establishment on the opposite side of the road (i.e. 8am – 6pm Monday to Saturday and 10am to 4pm on Sundays).

In addition, the premises are to be sound-proofed to prevent noise transference to the flat above. This can be controlled by condition to enable the exact details of any insulation scheme to be agreed with the local planning authority prior to use.

The proposed café will not be serving full meals and there is consequently no need for an extraction system at this time. It is prudent however to prevent any flues being installed without prior consent to avoid possible conflict with the residential properties.

There is a small rear yard area which is proposed to be used as a bin store. Concerns of neighbouring residents are noted, but there is no reason why the placing of wheelie bins in such an area would attract vermin.

It is considered that, with these controls in place, the use should not result in any harm to residential amenity.

Impact on Conservation Area

No external changes are proposed to the shopfront so the appearance of the Conservation Area will be preserved. No details of any signage have been submitted but separate advertisement consent would only be required if it were to be illuminated.

Recommendation

APPROVE for reason that :-

The proposed development would preserve the character and appearance of the Conservation Area and can take place without resulting in unacceptable detriment to the amenities of neighbouring properties, the vitality or viability of the shopping centre and highway safety. It would consequently not conflict with the relevant policies of the Adur District Local Plan (AG1, AB4, AS1)

Subject to:

1. C1Ci
2. C14L (amended) The premises shall not be open for trade or business other than between the hours of 8am–6pm Mon-Sat and 10am-4pm on Sundays and Bank Holidays. Delete WSSP policies
3. The premises shall not be open for trade or business until provision has been made for refuse bins for the storage of waste associated with the use in accordance with details to be submitted to and approved in writing by the local planning authority.
   Reason – In the interests of amenity and to comply with policy AS1 of the Adur District Local Plan
4. C17A AS1 of the Adur District Local Plan and PPG24
5. C17B (amended) No extraction or other air handling plant or externally sited machinery shall be installed until details of the plant...have been submitted to and approved....

Informative: This permission relates to the principle of the change of use of the property only and, notwithstanding the details shown on the approved plans, does not grant approval for the internal layout. You are advised to contact the Council's Environmental Health section for further advice on the internal layout.

Case Officer. [redacted] Date. 21/5/09

Planning Services Manager [redacted] Date...21.5.09

Chair of DC Committee... [redacted] Date. 22/5/09