Development Managment – Delegated Officer Report

Application Number: NOTICE/0003/17 **Recommendation – Prior Approval Required and Granted**

Site: **19 Ferry Road Shoreham-By-Sea West Sussex**

Proposal: **Application for permitted development for prior approval for change of use from shops Class A1 to Class A3 Restaurant and Café.**

Date of site visit: 14/03/17

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The application relates to an existing bakery shop (43sqm floor area) currently functioning as a primary retail use with the sales of drinks and some takeaway sandwiches and similar. There is some seating outside to the front of the unit for customers but no internal space exists for customers to sit and consume food or drink within the premises.

The site is within a parade of commercial premises on Shoreham Beach where there are some shops, hot food takeaway, restaurant and cafes.

Proposal

An application for Prior Approval is sought under the provisions of the Town and Country Planning GDPO 2015 Part 3 Class C for a change of use from retail (Class A1) to a café (Class A3). The proposed development is described as follows:

"The proposed development entails enlarging the existing shop area into the kitchen area and to provide a larger serving area combined with providing a small seating area. The main kitchen area will be moved to another room at the rear of the premises. The proposed development is on a small scale so noise would be kept to a minimum. The premises have been running as a bakery/coffee shop for numerous years. It would provide additional seating areas for customers. There would be no change in relation to odours, storage and handling waster as they would be handled in the same manner as present.

I anticipate opening the seating area from about 8am to 5/6pm.

No external alterations are proposed.

Consultations:

West Sussex County Council: The Highway authority has no objection commenting:-

"The Local Highway Authority (LHA) acknowledges the permitted change of use from A1 to A3 subject first to prior approval being granted. As part of the prior approval, the LHA can consider only whether the proposal is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site.

The proposal is located on Ferry Road which is a 'D' class road subject to a 30 mph speed limit. A review of the latest accident data suggests that no recorded Road Traffic Accidents have taken place within the vicinity of the site.

No traffic flow information has been provided with the current application. However from experience of other similar proposals, the LHA recognise that shops under A1 usage generate similar vehicle movements compared with restaurants and café's developments under use class A3. As such, there is no expectation for this proposal to give rise to any increase or material change in the character of traffic in the vicinity of the site.

There is an existing parking area for all of the of the shops which has 1 hour parking intervals 8 am-6 pm. The permitted development process does not enable parking provision or other matters relating to accessibility to be considered. Nevertheless, it would appear that some parking is to be retained for the residential use.

There would be no highway grounds to resist this permitted development proposal. "

Adur and Worthing Councils: The Environmental Health Officer has visited the site and advised that if there is going to be 12 or more covers then customer toilet provision will be required. They would need at least one unisex toilet with disabled access. Please can this be added as an informative. The premises does have an existing toilet that will lend itself to be converted for this use. Noise from the kitchen extract and refrigeration will need to be considered if the internal layout is reorganised. There is no primary cooking taking place at the site. Food is reheated or cold food preparation.

Representations: Shoreham Beach Residents Association: - No objection is raised to this application and supports the applicant. Ferry Road's success and commercial viability is considered vital to community life and it is a hub at the centre of the beach -directly opposite the Adur Ferry Bridge.

Therefore the continued presence of shops/business/cafes and restaurants is very much supported.

Relevant Planning Policies

Saved Local Plan policies Policy AS1 and AS5
National Planning Policy Framework (CLG 2012)
National Planning Practice Guidance

Planning Assessment

The application is made under the Prior Approval procedure and the consideration is restricted to the limitations, restrictions and conditions set out in respect of Class C, Part 3, Schedule 2 of the GDPO 2015 and the provisions of Paragraph W.

Class C(a) allows for development consisting of a change of use of a building from a use falling within Class A1 (shops) to a use falling within Class A3 (restaurants and cafes) of the Schedule to the Use Classes Order as permitted development subject to the limitations sets out in C.1 and Conditions set out in C.2.

C.1

C.1 states that development is not permitted by Class C if
(a) the cumulative floor space of the existing building changing use under Class C exceeds 150 square metres;
(b) the development (together with any previous development under Class C) would result in more than 150 square metres of floor space in the building having changed use under Class C;
(c) the land or the site on which the building is located is or forms part of
(i) a site of special scientific interest;
(ii) a safety hazard area;
(iii) a military explosives storage area;
(d) the site is, no contains, a schedules monument: or
(e) the land or building is a listed building or is within the curtilage of a listed building.

None of the limitations or restrictions in C.1 apply or are exceeded in this case.

Conditions C.2

C.2 stipulates that development proposed under Class C(a) is permitted subject to the condition that before the beginning of the development the developer must apply to the LPA for a determination as to whether the prior approval of the authority will be required as to-
(a) noise impacts of the development;
(b) odour impacts of the development;
(c) impacts of storage and handling of waste in relation to the development;
(d) impacts of the hours of opening of the development;
(e) transport and highway impacts of the development;
(f) whether is it undesirable for the building to change to a use falling within Class A3 (restaurants and cafes) of the Schedule to the Use Classes Order because of the impact of the change of use-
(i) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops), but only where there is a reasonable prospect of the building being used to provide such services, or
(ii) where the building is located in a key shopping area, on the sustainability of that shopping area.

Paragraph W (10)(b) stipulates that the LPA must when determining an application have regard to the NPPF so far as relevant to the subject matter of the prior approval as if the application were a planning application

Residential Amenity (Noise, Odour, Waste, Hours of Opening Impacts)

The applicant has confirmed that there will be no alteration to the existing situation with regard to waste, cooking equipment, the type of the food prepared and sold on site. The proposed hours of opening are indicated as being 8am- 6pm. It is considered that there could be a noise impact due to the customers now using the site to consume food and drink both inside and outside the premises.

Environmental Health has also advised that noise from the kitchen extract and refrigeration will need to be considered if the internal layout is reorganised. This is not currently considered to be the case. No primary cooking takes place at the site as existing or proposed. A condition is attached to ensure that this remains the case.

It is therefore determined that the Prior Approval of the Council is required as to:-

(a) noise impacts of the development;
(b) odour impacts of the development;
(c) impacts of handling waste relating to the development;
(d) impacts of the hours of opening of the development.

(a) The noise impacts of the development is considered to only be a potential issue in relation to the proposed seating, or if there is internal reorganisation of the layout. A condition is attached to limit the internal seating to 16 seats and 8 seats externally. Also an informative is attached to advise that EHO shall be contacted should the internal layout be reorganised.
(b) The odour impacts of the development can be adequately addressed by imposing a condition stipulating that no primary cooking shall take place on the premises.
(c) The impacts of the waste relating to the development will not be changed.
(d) The impacts of the hours of opening of the development can be adequately addressed by imposing a condition restricting hours of opening to between 08.00 and 18.00 hrs.

Transport and Highway Impacts

The Highway Authority has raised no objection as to the transport and highway impacts of the development

Prior approval as to the transport and highway impacts of the development (e) is not required.

Sustainability of the Shopping Area

The site is within a protected neighbourhood shopping area. Policy AS5 states that the LPA will seek to retain a predominant shopping use …… proposals for non-retail uses will be treated on their merits and will be assessed in relation to the need for the proposed use compared to retail use of the particular premises concerned. It is considered that the proposed use is not significantly different from the A1 use currently functioning at the site. The change if use will contribute to the viability of the

current business and add to the vitality of the local commercial parade. Other A1 uses existing within this parade.

Prior approval as to the impacts of the proposed change of use on the sustainability of the shopping area (f) is not required.

Recommendation

Prior Approval Granted subject to Conditions:-

1. No primary cooking shall take place on the premises
2. Hours of use restricted to between 08.00 and 18.00 hrs
3. No plant or equipment, including any kitchen ventilation or extraction system, shall be operated on the premises except between the hours stipulated in condition 2 of this permission.
4. Approved Plans

Informative

1. It is advised that as there are more than 12 covers provided here that customer toilet provision should be provided. At least one unisex toilet with disabled access would be required. Please contact Environmental Health for more information.
2. It is advised that if the internal layout of the unit is to be changed with regards to kitchen extract and refrigeration then noise impact will need to be considered and Environmental Health should be contacted.

Is recommendation contrary to letter(s) of representation? No

Case Officer: Hannah Barker Date: 10.04.17

Authorised by: Jo Morin Date: 10.04.2017