Expires 18/9

Development Control – Delegated Officer Report

Application Number: ADC/0344/08 Recommendation - REFUSE

Site: 132 Beach Green, Shoreham-by-Sea BN43 5YA

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

The Application

The site is located on Shoreham Beach. There is currently a parade of shops/commercial units on the ground floor of these two attached three-storey buildings. On the first and second floors are residential flats. The unit which is the subject of this application is currently vacant and was previously a newsagent with Post Office. To the east are two smaller units and the entrance hall to the flats above. There are two further units in the attached building, set back from the road, a hairdressers and a convenience store.

To the north of the site are garage blocks for the flats and commercial properties. Beyond is a petrol station, to the west is the Royal Coach public house. The surrounding land use is predominantly residential with blocks of flats to the south and west and mainly houses to the east.

Permission is sought to change the use of the existing shop unit (A1) to a café (A3). A floor plan has been submitted which shows tables and chairs to the front of the unit with a counter to the rear with a separate kitchen and WC to the rear. No external changes are shown; the shopfront will remain as existing.

Consultations and Representations

West Sussex County Council: The Transport Planning Officer has no objection, commenting that the proposal would not increase traffic generation.

Adur District Council: The Environmental Health Officer states that it is difficult to support the application in the absence of detailed information regarding the design of the kitchen extract system (especially the details of odour and noise control), the method of food preparation and cooking, the number and type of meals to be served at the café. The applicant suggests installing a commercial cooker hood and stove which will vent directly out of the back wall. This method of extraction alone would not comply with the guidance on the Control of Odour and Noise from Commercial Kitchen Exhausts Systems produced by DEFRA (unless an exceptionally high level of odour control were incorporated but this would be very expensive) and is objected to on the ground of potential odour nuisance to neighbouring residents. The applicant has been asked for details. The DEFRA guidance indicates that discharge should otherwise be above roof level (at least 1m above eaves).

Third Parties: - 4 letters have been received. 3 are from residents at No's 25 & 29 Kings Court and No.2 Princes Court raising the following objections or concerns:-

- Similar proposal adjacent refused.
- Insufficient parking, dangerous, illegal parking.
- Will cause smells, litter and noise.
- Could be a focal point for youths to gather.
- Possible vandalism.
- Concern over opening hours.
- If permission granted there should be no subsequent late night, drink or music license applications.

A further letter from Beach Green Stores (No.134 Beach Green) states no objection subject to the café being required to close at 6pm to avoid noise disturbance and vandalism.

Relevant Planning Policies and Guidance

Adopted West Sussex Structure Plan 2001-16 (WSCC 2005) (saved policies): LOC1, DEV1, DEV4
Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AS5
PPS1 'Delivering Sustainable Development' (ODPM 2005)
PPG24 'Planning and Noise' (DoE 1994)
'Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust Systems' (DEFRA Jan 2005)

Planning Assessment

Policies

The site is located within a small neighbourhood shopping parade serving the west part of Shoreham Beach. Policy AS5 of the Local Plan states that permission will not normally be granted for changes to non-retail use at ground floor level; 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.

Principle of Development

Although not an A1 use, the proposed use as a café is akin to a retail service and is considered to be acceptable in principle. Existing retail facilities will remain within this parade of shops.

Residential Amenity

The main concerns arising from change of use of the existing vacant shop to a café are those of cooking smells and noise disturbance.

As regards noise, the main concern is in the evening period when background noise levels are lower. Disturbance from a café is normally considerably less than with a take-away owing to the fewer number of callers and it is considered that the impact on nearby residential properties can be kept to an acceptable level if the opening hours are restricted to be similar to those of the existing retail uses in this parade. It is considered that a requirement to close by no later than 6.30pm is justified.

With regard to cooking odour, this is an issue that is much more difficult to resolve. The Environmental Health officer has pointed out that a low level extract system would not satisfactorily prevent odour nuisance to residential flats which are in very close proximity (unless it was of a very high standard, such as a UV system, but this would almost certainly be prohibitively expensive).

The EHO points out that DEFRA guidance is that the odour extract should normally be required to discharge above the roof level of the building concerned, preferably above the ridge height and at least 1m above eaves. In the instance of this case, this is very unlikely to be acceptable visually on this block of flats (and is probably infeasible in any case because the flats above are in separate ownership).

Visual Amenity

The shop frontage will remain as existing with no significant changes (other than a potential new fascia sign) and there are no proposals to have any seating on the road frontage.

However, as stated above, an external extract duct would be visually unacceptable on this block of flats.

Recommendation

REFUSE on the grounds that:-

1. The application does not include adequate proposals for the discharge of cooking odour from the proposed café and in the absence of such details the LPA is not satisfied that the proposed use would not cause unacceptable detriment to the residential amenities of the flats or the locality.
2. The provision of an odour extract duct on the external walls of the building to address the above objection would be likely to result in unacceptable harm to the appearance of the building and to the visual amenities of the locality.

Case Officer.....Baker.....

Date..9/9/08 9/9/08