Development Management - Delegated Officer Report

Application Number: AWDM/0257/14 Recommendation – Approve

Site: 6 High Street, Shoreham-By-Sea, West Sussex BN43 5DA

Proposal: Change of use from Use Class A1 (Retail) to Use Class A3 (Cafe). Replacement shopfront (retrospective)

Date of site visit: 19 May 2014

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application relates to a former shop on the north side of the High Street. It was formerly in use as part of a larger shop unit (Premier convenience store) which has been divided into two smaller units. Premier still occupy the western unit and it is proposed to change the use of the eastern unit to a café/coffee shop (A3). The proposal involves the installation of a new shopfront and the works have already taken place.

The former purple coloured UPVC shopfront has been removed and replaced with timber bi-folding doors. The café has been operating since June.

A separate application for advertisement consent has also been submitted and approved (AWDM/1065/14).

Relevant site history

ADC/0291/06 – Change of use from A1 to A3 approved but not implemented

ADC/0430/08 – Replacement of timber-framed windows with UPVC windows - aproved

ADC/0385/10 – Replacement of timber-framed door with automatic sliding door and electric shutters - approved

Consultations

Adur & Worthing Councils: The Environmental Health Officer has no adverse comments. However, given the trait of café's applying for alcohol licences, he recommends hours of use from 7am and 9pm Mondays to Fridays and 8am and 9pm on Saturdays, Sundays and Bank/Public Holidays.

Once the proposed flats above the premises have been completed and occupied, the hours should be reduced to a 6pm finish unless satisfactory sound insulation has been installed to protect the occupants from noise.

The sound insulation shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB).

Conservation Advisory Group: APPROVE although members voiced concern re the loss of a retail unit, albeit a small retail area

Representations

None received

Relevant Planning Policies

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AS1, AB4
Assessment of Saved Policies (ADC 2013)
Proposed Submission Adur Local Plan (2014) Policy 11
National Planning Policy Framework (CLG 2012)
Planning Practice Guidance (CLG 2014)

Planning Assessment

Principle

The site lies within the town centre of Shoreham and is subject to saved policy AS1 of the 1996 Local Plan, which seeks to resist the loss of shopping uses if it would detract from the character and vitality of the area. Policy 11 in the forthcoming Local Plan identifies the site as being within a primary shopping frontage where only A1 uses or A3 uses are permitted. A3 uses would only be considered where there has been a vacancy of at least 1 year and attempts have been made to sell or let the property for A1 uses.

In this case, the unit in question was formerly part of a larger shop (Premier convenience store) which has been divided into 2 units. The proposed coffee shop would not therefore result in the loss of a retail unit, only a reduction in its floor area. While concern at the number of A3 uses in the immediate area is understood, the proposed use is considered to be an acceptable use which will not detract from the character and vitality of the area. Opposition to competition with other A3 operators is not a relevant planning consideration.

Visual amenity

The new shopfront is considered to be an improvement on the rather unsympathetic shopfront of the Premier store. That shopfront has now been halved and, together with the new frontage to Tomfoolery is considered to have resulted in an enhancement of the Conservation Area.

The timber bi-fold doors are opened during warmer days with tables and chairs placed on the pavement outside the premises. This does not result in any visual harm and is considered instead to add to the vitality of the street.

Residential amenity

The change of use has the potential to result in disturbance to future occupiers of the proposed flats recently approved at first floor, particularly if a restaurant operator was to take over the premises. Since the application was received, the applicant has stated that he would like to open generally until 9pm. He will also be applying for an alcohol licence.

At the moment there are no flats above and opening until 9pm will not cause any noise problems. However, once the flats are occupied, the Council requires proper sound insulation to be installed to protect residents. If no insulation is provided, the opening hours should be reduced to that of 7am – 6pm Monday to Friday and 8am -6pm at weekends and on public holidays. The proposed condition is worded appropriately to reflect this.

Other matter

The new shopfront does not include a level access for disabled customers. This is regrettable but the applicant has confirmed that a rubber threshold ramp is used as a solution to this problem. He has also confirmed that it is the intention to provide full disabled access in the future.

Recommendation

APPROVE

Subject to Conditions:-

1. The premises shall not be open for trade or business other than between the hours of 7am and 9pm Mondays to Fridays and 8am and 9pm on Saturdays, Sundays and Bank/Public Holidays, until first occupation of any of the flats above the premises approved under NOTICE/0004/14 (or any subsequent application) when the hours of opening shall then be restricted to between the hours of 7am and 6pm Mondays to Fridays and 8am and 6pm on Saturdays, Sundays and Bank/Public Holidays, unless there has been satisfactory completion of sound insulation works to protect future residents from noise, in accordance with details to be submitted to and approved in writing by the local planning authority (and which shall include on completion an acoustic test which shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB).
2. No primary cooking of food shall take place on the premises whatsoever unless and until details of the means of extraction and disposal of cooking odours from the A3 operation (including extract fans, filters, internally located fan units and ducting together with a method of noise abatement, as well as details of grease traps and extraction hoods) and of any other external plant or equipment, have been submitted to and approved in writing by the Local Planning Authority. The equipment so approved shall be fully installed in accordance with the approved details before the use hereby permitted begins and shall thereafter be operated and maintained in accordance with the manufacturer’s instructions. Otherwise, only pre-cooked food

shall be warmed and/or re-heated on the premises by means of a microwave oven, Panini grill, jacket potato oven, or soup kettle.

Reason: To safeguard the amenities of the occupiers of nearby properties owing to the absence of any means of ventilation for the extraction and disposal of cooking odours from the premises, having regard to saved AG1 of the ADLP.

3. Approved plans

Is recommendation contrary to letter(s) of representation? N

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Case Officer: Peter Barnett Date: 12 November 2014

Authorised by: Gary Peck Date: 14 November 2014