Expiry Date – 22/1/18

Development Control – Delegated Officer Report

Application Number: NOTICE/0018/17 **Recommendation – PRIOR APPROVAL REQUIRED AND GRANTED**

Site: **Pannisa Coffee Lounge, 19 Southwick Square**

Proposal: **Application for permitted development for prior approval for change of use from Shop (Class A1) to mixed A1/A3 Shop/Cafe/Restaurant**

Neighbours checked: Y

Additional neighbour notifications: N

Date of Site Visit: 13/12

Site and Surroundings

This application relates to a mid terraced shop on the south side of Southwick Square in the heart of Southwick Town Centre. It has two floors of residential above. On one side it has a Newsagents and on the other a hairdressers. Southwick Square is owned and managed by Adur Council.

It is not in a conservation area and is not a listed building.

Proposal

This application seeks prior approval for change of use from Shop (Class A1) to A1/A3 Shop/Cafe/Restaurant.

The existing coffee house wishes to expand its seating and the proposed floorplan shows 18 indoor seats and 6 outdoor seats. No original cooking is proposed on the premises and the applicant does not wish to install any ovens or extraction system. Foods such as eggs are cooked in a microwave and precooked bacon and eggs are delivered and then reheated in the same microwave. Paninis are toasted.

A recently approved alcohol license requires the applicant to serve hot food with the sale of alcohol. This combined with the increase in covers is why the applicant seeks permission for a mixed A1/A3 change of use. She maintains that her business is predominantly take away based i.e. sandwiches/paninis/coffees etc.

The alcohol license of 2017 identifies the site's opening hours as 7.30am to 5pm Monday to Friday, 8am to 5pm Saturday and 10am to 4pm on Sundays, though it is understood that the site is rarely open on a Sunday other than special occasions such as Mother's/Father's day.

Relevant Planning History

SW/14/02 – Replacement shopfront – Granted 22.7.02

SW/98/81- Regulation 4 application for new office front. Granted 24.11.81

81/62 – Change of use from shop to Local Authority cash office and Housing sub office. (Reg 4) Granted 14.7.81

Consultations

Health: No objection.

Highways: '*The Local Highway Authority acknowledges the permitted change of use from A1 shop to A1/A3 shop/café/restaurant subject first to prior approval being granted. As part of the prior approval, the Local Highway Authority (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.*

No traffic flow information has been provided with the current application. However from experience of other similar proposals, the LHA recognise that shops and café/restaurants generate a similar number of movements at this scale. 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.

The prior notification process does not enable parking provision or other matters relating to accessibility to be considered.'

Representations

None received.

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policies 2, 12 and 28
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, and Class C(b) allows building or other operations for the provision of facilities for (i) ventilation and extraction (including the provision of an external flue) and (ii) the storage of rubbish, reasonably necessary to

use the building for a use falling within Class A3. These provisions are 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.
(g) the siting, design or external appearance of the facilities to be provided under Class C(b),

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(2) Where the development proposed is development under Class C(a) only, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the

items referred to in sub-paragraphs (1)(a) to (f) and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(3) Development under Class C is permitted subject to the condition that development under Class C(a), and under Class C(b), if any, must begin within a period of 3 years starting with the prior approval date.

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)

Whilst the EHO has no objection in principle, without control the proposed retail/restaurant use has the potential to impact unacceptably on the amenities of nearby residential occupiers above the shop unit.

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) waste handling/storage impacts;
(d) impacts of the hours of opening of the development;
(g) the siting, design or external appearance of the facilities to be provided under Class C(b).

The site does not have ventilation/extraction equipment at the moment and none is proposed as part of this change of use. No direct cooking is done on the premises and no such equipment is required.

(a) The noise impacts of the development can be adequately addressed by imposing a condition requiring planning permission for any future extraction system and limiting opening hours.
(b) The odour impacts of the development can be adequately addressed by imposing a condition that no cooking is done on the premises other than those identified in the application.
(c) Waste handling is as existing and contained and collected from the rear yard.
(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 07.30 and 17.00 hrs Monday to Saturday and 10.00 to 16.00 hours on Sundays and Bank Holidays.

Transport and Highway Impacts

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

It is therefore determined that the Prior Approval of the Council is not required as to the
(e) transport and highway impacts of the development.

Sustainability of the Shopping Area

Adopted Adur Local Plan Policy 12 states that:

'Within the primary frontage of Southwick town centre (as shown on the Policies Map), A1 (shop) uses will be supported. A2 (financial and professional services), A3 (food and drink), A4 (drinking establishments), A5 (hot food takeaways) and appropriate D1 (non residential institutions) uses will also be permitted where they would not have an adverse impact on the vitality and viability of the town centre.'

Adopted Adur Local Plan 27 states that:

'Within the defined town centre boundaries of Shoreham-by-Sea, Southwick and Lancing (as shown on the Policies Map), town centre uses will be permitted, subject to compliance with other relevant policies.
Development within the primary and secondary shopping frontages will need to be in accordance with the place based policies in Part Three of this Plan.'

Southwick Square is thriving and has a very good provision of retail uses including Co-op food store, WH Smith, chemist, butchers, greengrocers, hairdressers and other supporting uses such as betting office, optometrist, charity shops etc. The proposed mixed A1/A3 use will not undermine the sustainability of the Southwick Square shopping offer.

It is therefore determined that the Prior Approval of the Council is not required as to the the impact of the change of use on-
(f)
(i) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops), or
(ii) where the building is located in a key shopping area, on the sustainability of that shopping area.

Recommendation:

Prior Approval Granted subject to Conditions:-

1. Approved plans
2. 3 years
3. This permission is for a mixed A1/A3 use only and does not permit primary cooking on the premises or the installation of ovens and/or ventilation/extraction equipment without the prior written agreement of the Local Planning Authority obtained through the submission of a planning application.
4. No working, trade or business whatsoever (including arrival, reception or dispatch of deliveries) shall take place on the premises except between the hours of:-
   7.30 am and 5.00 pm on Mondays to Fridays inclusive
   8.00 am and 5.00 pm on Saturdays and
   10.00 am to 4.00 pm on Sundays and Public Holiday

Is recommendation contrary to any representations? No.

Case Officer signed:	MOK	Date: 29/12/17
Authorised and signed by:	Peter Barnett	Date: 2 January 2018