Development Management - Delegated Officer Report

Application Number: AWDM/1311/16 Recommendation – Approve

Site: 20A Southwick Square, Southwick

Proposal: Proposed enclosure to external staircase, canopy for smoking, external window canopies to side and front elevations and replacement windows to front and side elevations.

Date of site visit: 2 September 2016

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application relates to the first floor premises formerly known as 'Café Cube' above a ground floor shop on the north side of Southwick Square. The building is two storeys in height and is adjacent to an oriental food store with storage above. There is no residential accommodation in this particular building although there are flats above the shops to the west and on the opposite side of the Square to the south. An access road leading to a public car park and garage block runs immediately to the west, separating the building from the shops and flats beyond.

Permission was granted in 2014 for the use of the premises as a restaurant/cafe, drinking establishment and hot food takeaway. The premises are to be occupied as a restaurant and the current application seeks permission for window canopies to the side and front, replacement of the existing metal windows with new grey PVCu windows and the construction of an aluminium framed staircase enclosure and smoking canopy with polycarbonate roof at the side of the building. The staircase enclosure will have opaque polycarbonate sheets at the side.

The shelter will enclose the rear stairs and project over the path at the side of the building by 1.2m.

Relevant site history

AWDM/0341/14 - Application to remove condition 1 of AWDM/0693/13 to enable permanent use of premises as a restaurant/cafe, drinking establishment and hot food takeaway – approved

AWDM/0693/13 - Change of use from restaurant (class A3) to a mixed use under Classes A3 (Restaurant and Cafe), A4 (Drinking Establishment) and A5 (Hot Food Takeaway). Extension of opening hours to 8am - 11pm Monday-Saturday and 9.30am - 9pm Sundays and Bank Holidays – approved

AWDM/0672/12 - Application to vary condition 1 of planning permission SW/29/92/TP to vary the hours the premises can be open for trade or

business from 8.45 am and 10.30 pm to:- Monday to Thursday from 6.30 am to 11.00 pm, Friday from 6.30 am to 12.30 am, Saturday from 8.00am. to 12.30 am and Sunday from 8.00 am to 11.00 pm – refused

SW/29/92 - Continued Use of First-Floor as Restaurant (Opening Hours 8.45AM To 10.30PM) – approved

Consultations

Adur and Worthing Councils: The ***Environmental Health*** Officer has no objections. However, given the proximity of the development to residential property, he has requested a condition be attached to any permission requiring a noise management plan covering issues such as: Noise from customers using the shelter; music noise levels, particularly if windows are open for ventilation; taking empty bottles out etc; and a complaints procedure.

The ***Estates*** team have no concerns

Southern Water: No objections

Representations

1 letter of objection received from the occupier of 129 Southwick Square:

- Lack of privacy
- Noise, disturbance, traffic and smells
- Previous use by Café Cube was inconsiderate
- Noise from early morning deliveries

Relevant Planning Policies

Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AS1
National Planning Policy Framework (March 2012)

Planning Assessment

Principle

Policy AS1 of the ADLP supports development for shopping and food and drink purposes within shopping areas such as this, subject to several criteria, including that there is no loss of amenity to nearby residents and that any development is of a scale and design appropriate to the locality.

Visual amenity

The new windows and window canopies are considered to represent a visual improvement to the appearance of the building.

The proposed staircase canopy will be largely screened by the building from Southwick Street and is considered to be acceptable. The smoking canopy will project beyond the side wall and will be visible from Southwick Street. However, it will form a canopy only and, being set back from the main

shopping street alongside the entrance to the rear car park, it is not considered that it would have a harmful visual impact.

Residential amenity

This application does not seek to change the use of the building or amend the planning permission which controls the hours of use of the property. As such, issues such as overlooking and noise associated with the use of the premises cannot be taken into account.

Consideration can only be given to whether use of the smoking shelter will cause disturbance. It will be sited towards the rear of the building and will therefore be to the rear of upper floor flats in the block to the west. While there is some potential for disturbance, it is considered that customers would have previously been likely to have smoked in the same area in association with the previous use of the premises as a bar/café.

The site is adjacent to a service road and access to car park, just off the main shopping street, and an element of noise can be expected until 11pm. Nevertheless, the Council's EHO has recommended that a Noise Management Plan is produced to cover noise from the shelter as well as from the general use of the premises.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. Noise management plan

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

1. 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.

2. Signage requires advert consent

3. Southern Water

Case Officer: Peter Barnett Date: 27 September 2016

Authorised by: Gary Peck Date: 27 September 2016