Application Number: ADC/0493/07 **Recommendation – APPROVE**

Site: **8 East Street, Shoreham-by-Sea BN43 5ZE**

Proposal: **Replacement shop front and change of use from Use Class A1 (shop) to A3 (restaurant/café)**

The Application

The premises, now displaying the name 'Toast by the Coast' are located on the east side of East Street, 25m from the junction with High Street.

The building is two storeys with a shop at ground floor level and storage and seating area at first floor. The premises were previously used as a delicatessen with some ancillary seating provided. Prior to the current occupation, the premises were vacant for some months and currently work is taking place to change the premises to a largely A3 use for which permission is now sought. It is stated that the delicatessen business would still continue, with the sale of predominantly local produce, but more seating would be provided to allow customers to consume food and drink on the premises. Seating for 30 customers at one time is proposed with 4 tables at ground floor and 4 tables at first floor.

Permission is also sought to replace the existing brown aluminium shop front with central double aluminium doors with a more traditional timber painted shop front. The double doors will remain in the same central position; to the north a bi-folding window is proposed and to the south a fixed window.

Consultations and Representations

Director of Services: The Environmental Health officer has no objection.

Adur District Conservation Advisory Group: No objection; a commendable solution.

Third Parties: 6 letters of objection have been received from shops at No's 16/18, 20 & 30 East Street and 3 residents elsewhere in Shoreham objecting on grounds that: -

- Loss of another shop in the town centre; East Street should be kept as a shopping street;
- Need for another bar/restaurant is questioned; there are already too many and the community do not need more places to eat and drink;
- litter and anti social behaviour will result with more places to drink alcohol;
- the new shop front will encourage people to sit on the pavement, blocking it;

Relevant Planning Policies and Guidance

Adopted West Sussex Structure Plan 2001-16 (WSCC 2004): LOC1, NE9, ERA1, CH4, DEV1, DEV4-5
Adopted Adur District Local Plan 1993-2006 (ADC 1996): AG1, AP7, AB4, AB14, AS1, AT12-13
PPS1 'Delivering Sustainable Development' (ODPM 2005)
PPS6 'Planning for Town Centres' (ODPM 2005)
PPG13 'Transport' (DTLR 2001)
PPG15 'Planning and the Historic Environment' (DoE 1994)
PPG24 'Planning and Noise' (DoE 1994)

Planning Assessment

Policies

The main concerns are the effects of the proposal on the vitality and viability of the shopping centre, on the residential amenities of living accommodation in the locality and on the character of the Conservation Area

Structure Plan policy NE9 states that permission should be granted for development within existing town centres which reinforces and helps them to adapt their vital role in acting as focus for a wide range of activities including retailing, leisure, cultural, business and residential uses. CH4 requires development within Conservation Area to preserve and where possible, enhance the area.

The premises are within Shoreham town centre where Local Plan policy AS1 specifically applies. AS1 states that permission will be granted for shopping and food and drink purposes falling within use classes A1 and A3 subject to compliance with criteria including no loss of amenity to nearby residents, and on site parking and access arrangements being acceptable. It also states that 'development which involves the loss of existing shopping provision (Use Classes A1 and A3) will not be permitted if the proposal is likely to detract from the character and vitality of the area.' Policy AB14 states that every opportunity will be taken to maintain and enhance the economic vitality of town centres and new shopping development will be encouraged but must be sympathetic to the location.

PPS 6 'Planning for Town Centres' stresses the Government's objectives of promoting vital and viable town centres and states that development should be focused in existing centres in order to strengthen, and where appropriate, regenerate them. Local Authorities should still take into account local issues and material considerations when assessing planning applications and these may include physical regeneration, employment, economic growth and social inclusion.

Effect on Shopping Area

Owing to policy AS1, there is no objection to the principle of the proposed A3 use in this location. The applicant proposes an A3 use rather than a drinking establishment (which would be an A4 use) or hot food take-away (A5). The proposal is to use the premises as a delicatessen with seating/cafe facilities for the sale of food and drink for consumption on the premises.

PPS6 makes it clear that it is not the role of the planning system to restrict competition, preserve existing commercial interests or prevent innovation. The premises are adjacent to a mixture of A1, A2, A3 and A4 uses. Retail uses and a public house are on the opposite side of East Street with a coffee shop and café/bar to the north and an estate agents to the south. The adopted Local Plan policies do not provide any limit on the number of premises providing food and drink, even in prime frontages. It is therefore considered refusal in this ground would be difficult to justify. It should also be noted that the premises would still have an ancillary A1 retail function as a delicatessen, as functioned previously under the former occupiers. It is the café use which is being increased, meaning that permission for A3 use must be sought in this case as it would become the primary use.

The principle of the change of use in this case complies with the above planning policy and guidance. The use proposed would provide a suitable use without detracting from the vitality and viability of the town centre.

Residential amenity

It is not considered that the proposed use would have any significant adverse impact on the residential amenities of the occupiers of residential properties in this mainly commercial street or nearby. The premises are to be a mixed café/retail use and the proposed opening hours would be 0800 – 1700 hours Mondays, Tuesdays & Wednesdays, 0800-2100 Thursdays, Fridays and Saturdays and 1000-1600 on Sundays and Bank Holidays. There would therefore be no opening during unsocial hours.

It is proposed that food preparation will be mainly cold food with baking, grilling and the use of the microwave. The applicant sought advice from the Council's Environmental Health and it was confirmed that the existing ventilation fan would need to be increased in diameter and no extractor fans where required. There are therefore no external changes to the building in relation to this function which would affect the visual amenities of the occupiers of the surrounding locality or result in any noise or air pollution.

Visual amenity

Permission is sought to replace the existing brown aluminium shop front with painted timber. The doors will remain to the centre with windows either side. The northernmost window will be bi-folding. Concern has been expressed by third parties with regard to seating on the pavement obstructing the public. No

seating is proposed on the pavement and there will be no access to the premises from the street other than via the main entrance doors.

The proposed shopfront will be an improvement on the existing aluminium construction and is of a more sympathetic design and materials. The appearance of the streetscene and character of the conservation area will therefore be preserved and enhanced.

It should be noted that this application does not include consent for the externally-illuminated fascia sign which has been erected. Separate Advertisement Consent is required in this case.

Recommendation

APPROVE for reason that:-

The proposed development would preserve the character and appearance of the Conservation Area and can take place without resulting in unacceptable detriment to the amenities of neighbouring properties, the vitality or viability of the shopping centre and highway safety. It would consequently not conflict with the relevant policies of the Adur District Local Plan (AG1, AP7, AB4, AS1, ~~AT12-13~~) and the adopted West Sussex Structure Plan 2001-16 (LOC1, NE9, CH1, CH4, ERA1, DEV1, DEV4-5)

Subject to: -

1. C1Ci (Standard time limit
2. C14L (Opening hours restricted to 8am–5pm Mon-Wed; 8am-9pm Thurs-Sat; and 10am-4pm on Sundays and Bank Holidays)
3. Prior to its installation, details of the external paint colour of the shopfront hereby permitted shall be submitted to and approved in writing by the LPA and it shall be painted in accordance with the approved colour within one month of its installation.
4. C18 J (Refuse bin provision details)

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