

Parish: Selsey	Ward: Selsey North
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SY/17/00951/FUL

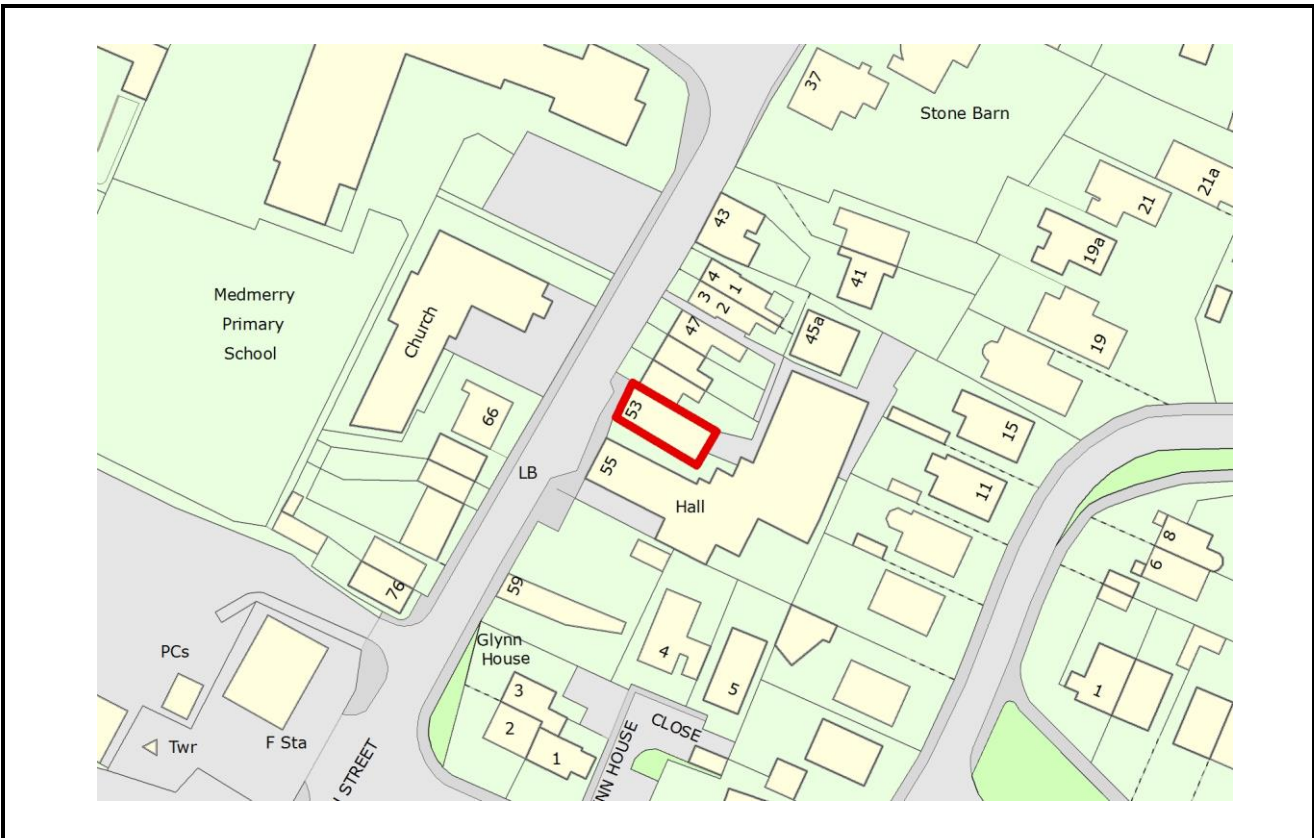
Proposal Change of use of ground floor from class A2 office to class A3/A5 - cafe/hot food take-away including installation of internal routed extract duct.


Site Selsey Regeneration 53A High Street Selsey Chichester West Sussex PO20 0RB

Map Ref (E) 485491 (N) 93453

Applicant Mr Nader Abbassi

RECOMMENDATION TO PERMIT



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1.0 Reason for Committee Referral

Parish Objection - Officer recommends Permit

This application was deferred at the meeting on 13th September 2017 for a Site Visit and Further Information

2.0 The Site and Surroundings

- 2.1 The application property is a ground floor commercial unit, situated within a three-storey end-of-terrace building. The unit is currently unoccupied but has previously been used as offices under Use Class A2.
- 2.2 The application property is situated within the settlement boundary of Selsey and within the Selsey Conservation Area. The property is immediately fronted by a Class B road and otherwise surrounded by development. To the immediate south of the application site is the Town Hall and facing the site from across the road is a Grade II Listed Methodist Church. The attached neighbouring building and all others within terrace are residential dwellings.
- 2.3 To the front elevation the application property features a dark grey painted timber shopfront at ground floor level with plain white timber fascia board above and two timber bay windows at first floor level. The property is clad with light coloured painted render and slate roof tiles.

3.0 The Proposal

- 3.1 The application proposes a change of use from Class A2 (financial and professional services) to Class A3 (restaurants and cafes) and A5 (hot food takeaway).
- 3.2 The application proposes an extract duct to the north pitch of the main roof, achieving a maximum height of 1m as measured from the point of exit from the roof.

4.0 History

02/00186/COU	PER	Change of use from retail to office.
02/00771/REG3	PER	Major refurbishment of existing 3 storey front building, demolition and replacement of 2 storey rear addition to provide inclusive access to new offices.
17/00951/FUL	PDE	Change of use of ground floor from class A2 office to class A3/A5 - cafe/hot food take-away including installation of internal routed extract duct.

5.0 Constraints

Listed Building	NO
Conservation Area	YES
Rural Area	NO
AONB	NO
Strategic Gap	NO
Tree Preservation Order	NO
South Downs National Park	NO
EA Flood Zone	NO
- Flood Zone 2	
- Flood Zone 3	
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Parish Council

Concerns were raised that the application did not allow for satisfactory space for storage of food waste and the nuisance to local residents regarding the smell. Cllr S. Newman proposed, seconded by Cllr C Dean, that the committee should OBJECT to the application on the grounds of no satisfactory space for storage of food waste and the nuisance to local residents regarding the smell.

6.2 WSCC Highways

The proposal to change the use of the ground floor office (A2) to (A3/A5) café/hot food take away has been considered by WSCC as the Local Highway Authority. No objection is raised subject to any conditions attached.

The site is located on the B2145 Selsey High Street, a 30mph road with a mixture of residential dwellings, shops, and services. Directly opposite the site is the local Methodist Church and car park and adjacent to this is Selsey Town Hall. Parking is not permitted in the High Street and double yellow lines are located on both sides of the road.

Directly outside the site the highway becomes slightly wider for approximately 18m and provides an informal lay-by layout. This could accommodate deliveries; as loading or un-loading on double yellow lines is permitted provided no obstruction is caused. The applicant has stated these would occur twice weekly for approximately 10 minutes at a time.

Pedestrian access can be made via the existing footpaths on either side of the road however; the footway to the south of the site terminates outside the shop and any customers would need to crossover to the eastern footway if they wanted to continue in a southerly direction. Traffic lights with a pedestrian controlled crossing are located just north of the site providing a safe place for pedestrians to cross.

One cycle storage hoop is located outside the shop on the pavement encouraging sustainable travel and bus stops are within walking distance making the site accessible.

6.3 CDC Environmental Health Officer

24/04/2017: The information supplied is sufficient and I am satisfied that it should not cause nuisance by way of noise or odour to nearby properties.

I would ask for a condition with regard to a maintenance and cleaning schedule which would basically mirror that proposed in the documents submitted.

25/10/2017: Further to your email below I have considered the proposal for the storage of waste within the property. It is clearly our preference that waste is stored in an outside yard area, in a secured bin which is collected regularly. However, where this is not possible then there are already examples in the city centre where waste is stored within the premises and then placed outside for collection on the appointed day. I have discussed this issue with David Gibson in the Commercial Team and he confirms that from a food hygiene perspective it is acceptable provided that there are suitable controls in place which revolve around cleaning of spillages, adequate storage capacity and appropriate frequency of collection. Frequency of collection will be dependent on the nature of the business and the volume however as a minimum we would expect that collection would be at least once per week. Should any odour arise it is unlikely that it will affect neighbouring premises before it has an adverse effect on the unit in which it is housed.

My only slight reservation is that if the area below the stairs forms part of an escape route then the Fire and Rescue service may have a view as to what can be stored there.

6.4 6x Third Party Objections

Concerns have been expressed by third parties regarding the following:

- a) No parking provided for customers or deliveries
- b) Highways safety, including traffic flow and proximity to traffic lights
- c) Noise disturbance, particularly late at night
- d) Odours from the outlet and the proposed extract duct
- e) Rubbish and litter accumulation
- f) Loss of privacy to neighbouring residential dwellings

6.5 Applicant/Agent's Supporting Information

The agent has provided the following supporting information:

- a) Manufacturers specification of vent and extraction system
- b) Maintenance and Management Scheme for ventilation system
- c) **Written statement and related plans regarding removal of waste from premises**
- d) Details of delivery and access arrangements

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no made neighbourhood plan for Parish of Selsey at this time.

7.2 The principal planning policies relevant to the consideration of this application are as follows:

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 3: The Economy and Employment Provision

Policy 26: Existing Employment Sites

Policy 29: Settlement Hubs and Village Centres

Policy 39: Transport, Accessibility and Parking

Policy 47: Heritage

National Policy and Guidance

7.3 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 14 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

For decision-taking this means unless material considerations indicate otherwise:

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.*

7.4 Consideration should also be given to paragraph 17 (Core Planning Principles), 23, 35, 56, 58, 59, 60, 109, 120, 123, 129, 131, 132, 196, 197 and 203

Other Local Policy and Guidance

7.5 The following Supplementary Planning Documents are material to the determination of this planning application:

Selsey Conservation Area Character Appraisal

7.6 The aims and objectives of the Council's Sustainable Community Strategy are material to the determination of this planning application. These are:

A1 - A strong local economy where businesses can thrive and grow

A3 - Vibrant and sustainable City and market towns, with a good range of business and retail types

C6 - Health Protection

The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:

- Maintain low levels of unemployment in the district
- Prepare people of all ages and abilities for the work place and support the development of life skills
- Develop a local workforce that meets the needs of local employers
- Support local businesses to grow and become engaged with local communities
- Promoting and developing a dementia friendly district
- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Coordinate and promote services that help those living with low level mental health conditions
- Protect and support the most vulnerable in society including the elderly, young, carers, families in crisis and the socially isolated
- Increase the number of volunteers and trustees in the community/voluntary sector
- Maintain the low levels of crime in the district in the light of reducing resources
- Support and empower communities and people to help themselves and develop resilience
- Support communities to meet their own housing needs
- Encourage partner organisation to work together to deliver rural projects and ensure that our communities are not isolated
- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
- Promote and increase sustainable, environmentally friendly initiatives in the district
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Highways Safety
- iii. Design and Impact upon Visual Amenity/Character of Area
- iv. Impact upon Heritage Assets
- v. Impact upon the amenity of neighbouring properties
- vi. Noise and Odour

Assessment

i) Principle of Development

- 8.2 The application site is located within the settlement boundary, where, as per Policy 2 of the Chichester Local Plan, development is generally supported, providing that the proposal respects the setting, form and character of the settlement.
- 8.3 The application proposes a change of use from A2 (financial and professional services) to A3 (restaurants and cafes) and the installation of a flue to project through the existing roof, which are generally permissible under the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2: Part 3: Class C, subject to prior approval from the Local Planning Authority regarding impact upon/of handling of waste, highways safety, opening hours, provision of services, external appearance, odour and noise. As such the general principle of this change of use and installation of the associated extract flue is acceptable, subject to assessment of these impacts.
- 8.4 The general principle of a change of use from A2 (financial and professional services) to A5 (hot food takeaways) would not be contrary to local or national planning policies.

ii) Highway Safety

- 8.5 Concerns have been raised by third parties regarding the potential for the proposed change of use to impact negatively upon highways safety. The concerns relate to the lack of parking provision outside the premises and the proximity of the site to traffic lights, which third parties suggest could be problematic with regards to deliveries and collections and customers attempting to park on the double yellow lines outside of the premises.
- 8.6 However, no highways safety concerns have been raised by the WSCC Highways Authority regarding either vehicular or pedestrian traffic. Within their comments are cited the 30mph speed limit of the fronting road, existing pedestrian foot path links and safe-crossing points, including the traffic lights to the north of the site, the existing car park situated opposite the premises and the lay-by directing fronting the premises, which it is suggested could safely accommodate delivery vehicles.

8.7 The applicant has submitted a scale plan showing the location where the waste bins would be positioned overnight once per week whilst awaiting collection. The bins would be stored immediately adjacent to the front elevation of the application property. Owing to the width and termination of the pavement in this location it is not considered that the bins would constitute an obstruction to public access along the stretch of pavement which fronts the property for the period of collection.

iii) Design and Impact upon Visual Amenity/Character of Area

8.8 Policy 33 of the Chichester Local Plan requires that development proposals respect or enhance the character of the site and surrounding area with regards to proportion, form, massing, siting, layout, density, height, size, scale and detailed design.

8.9 The only external alteration proposed as part of the current application is the installation of an extract flue, which would project from the north pitch of the existing main roof to achieve a maximum height of 1m (as measured from the point of exit through the roof). The flue would not be readily visible from the fronting road owing to the irregular shape of the pitched roof, which would obscure the flue from view. The flue would likely be partially visible from within the curtilage of development to the north and rear of the application site. However, the flue would not be considered to constitute a significant negative impact upon the visual amenity of the application property or upon the appearance and character of the street scene.

8.10 The proposal would therefore be in compliance with Policy 33 and would be acceptable with regards to design and impact upon visual amenity.

iv) Impact upon Heritage Assets

8.11 The application site is situated within the Selsey Conservation Area and adjacent to a Grade II Listed church building. Policy 47 of the Chichester Local Plan requires that development proposals to conserve or enhance the special interest and character of heritage assets, including Conservation Areas and Listed Buildings and their settings.

8.12 The flue would be obscured from view from the front of the site by the bulk of the existing roof and, as such, would not be perceptible within the context of the setting of the Listed Building opposite the site. The proposed flue would not substantially or negatively impact upon the appearance of the application property and would not represent harm to the special qualities or character of the Conservation Area, from within which the flue would not be readily visible from publicly accessible areas.

8.13 The proposal would therefore be in accordance with Policy 47 and acceptable with regards to impact upon heritage assets.

v) Impact upon the amenity of neighbouring properties

8.14 Policy 33 requires that development proposals respect or enhance neighbouring and public amenity.

- 8.15 The only external alteration proposed is a flue pipe, which would be largely obscured by the bulk of the existing pitched roof. As such the proposal would not be expected to result in a negative impact upon the outlook, light or privacy of surrounding development.
- 8.16 The potential of the proposal to impact upon the amenities of noise and odour will be considered below.

vi) Noise and Odour

- 8.17 Concerns have been raised by third parties and the Parish Council that the proposal may result in a negative impact upon the amenities of neighbouring properties with regard to odour, owing to the extract flue and arrangements for the storage of food waste. Further concerns raised by third parties relate to the potential negative impact upon noise as a result of the proposed change of use, particularly with regard to late opening hours.
- 8.18 As part of the current application the applicant has provided detailed information regarding the specification and maintenance of the flue as well as the arrangements for the storage and disposal of food waste. **The applicant has provided a written statement explaining that waste would be stored internally in two 240L bins within an enclosed storage area located in the rear corner of the property at ground floor level. The area would be ventilated by way of a rear-facing window to include a mechanical vent. The bins would be removed down the side passage to the south of the property on one night per week and returned to the storage area following the morning collection.**
- 8.19 The proposal has been considered by a CDC Environmental Health Officer, who commented as follows "The information supplied is sufficient and I am satisfied that it should not cause nuisance by way of noise or odour to nearby properties." **Further comments relating specifically to arrangements for the storage and removal of waste were received as follows "...there are already examples in the city centre where waste is stored within the premises and then placed outside for collection on the appointed day... from a food hygiene perspective it is acceptable provided that there are suitable controls in place which revolve around cleaning of spillages, adequate storage capacity and appropriate frequency of collection...as a minimum we would expect that collection would be at least once per week."**
- 8.20 As such, **subject to conditions to control the disposal and storage of waste**, it is not anticipated that the proposed change of use of installation of an extract flue will result in a significant negative impact upon the amenities of surrounding development in respect of noise or odour. The proposal would therefore be in accordance with Policy 33 of the Chichester Local Plan.

Significant Conditions

- 8.21 The following document will be required for submission and approval prior to the commencement of works in the interest of highway safety: a Service Management Plan setting out the arrangements for the loading and unloading of deliveries and arrangements for the collection of refuse.
- 8.22 in the interest of neighbour and public amenity the applicant will be required, at all times following completion, to adhere to the details contained within the Maintenance and Management Scheme for ventilation and extraction system.

Conclusion

- 8.23 Based on the above it is considered the proposal complies with the development plan policies and therefore the application is recommended for approval.

Human Rights

- 8.24 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation and it is concluded that the recommendation to permit is justified and proportionate.

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 2) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 01, 02, 03A, 04A, 05

Reason: To ensure the development complies with the planning permission.

- 3) **No part of the application property shall be first occupied** until such time as a Servicing Management Plan has been submitted and approved in writing by the Local Planning Authority. This shall set out the arrangements for:

- i) the loading and unloading of deliveries, in terms of location and frequency
- ii) arrangements for the collection of refuse

Once occupied the use shall be carried out only in accordance with the approved Plan.

Reason - to safeguard the operation of the public highway.

- 4) The extract duct and ventilation system hereby permitted shall be constructed in accordance with the details contained within the submitted Vent and Extraction Details document and at all times maintained in accordance with the details contained within the submitted Maintenance and Management Scheme.

Reason: To ensure the development complies with the planning permission and in the interest of preserving neighbour and public amenity.

- 5) The extract duct and ventilation system hereby permitted shall not be operated outside the hours of:

7am and 11pm Mondays to Sundays.

Reason: In the interests of amenity and to ensure the use of the site does not have a harmful environmental effect.

- 6) The A3 and A5 use hereby permitted shall not be used by customers outside the hours of:

7am and 11pm Mondays to Sundays.

The premises shall be vacated by all customers and public by 11 pm, and any recorded/amplified or other music played on the premises shall cease by this time.

Reason: In the interests of amenity and to ensure the use of the site does not have a harmful environmental effect.

INFORMATIVES

- 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) The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

For further information on this application please contact Rachel Ballam on 01243 534734