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| Parish:<br>Selsey | Ward:<br>Selsey North |
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**SY/17/00951/FUL**

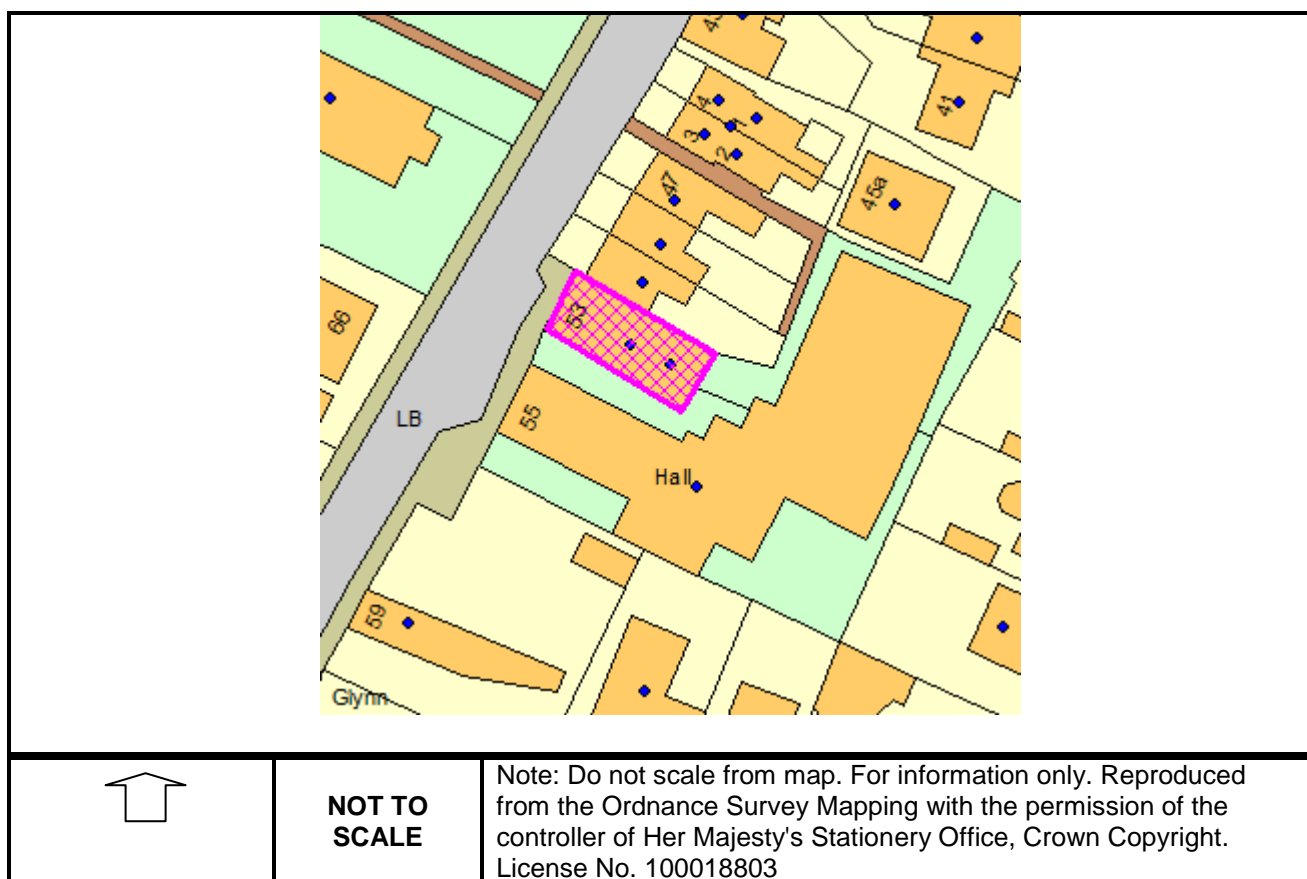
**Proposal** Change of use of ground floor from class A2 office to class A3/A5 - cafe/hot food take-away including installation of internal routed extract duct.

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

**Map Ref** (E) 485491 (N) 93453

**Applicant** Mr Nader Abbassi

**RECOMMENDATION TO PERMIT**



## 1.0 Reason for Committee Referral

1.1 Parish Objection - Officer recommends Permit

## **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 within Use Class A2 of the Town and Country (Use Classes) Order.
- 2.2 The application property is situated within the settlement boundary of Selsey and within the Selsey Conservation Area. The property immediately adjoins a Class B road (High Street) and is 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 the terrace are residential dwellings.
- 2.3 The front elevation of the application property comprises a dark grey painted timber shopfront at ground floor level with a plain white timber fascia board above and two timber bay windows at first floor level. The property is clad in a light coloured painted render and incorporates slate roof tiles to the roof.

## **3.0 The Proposal**

- 3.1 The application proposes a change of use from Class A2 (financial and professional services) to a mixed use comprising part Class A3 (restaurants and cafes) and part A5 (hot food takeaway).
- 3.2 The application also proposes to install an extract duct to the north facing main roof slope, which would extend 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  |
| EA Flood Zone              | NO  |
| 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 unloading 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**

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.

### **6.4 Third Party Representations**

Six letters of representation have been received, raising the following concerns;

- 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; and
- 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 confirming that "Food waste is to be stored internally and removed from the premises on a daily basis"; and
- 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 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 guidance is material to the determination of this planning application:

- Selsey Conservation Area Character Appraisal

- 7.6 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
- Support local businesses to grow and become engaged with local communities
- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles

### **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 character of area, heritage assets and neighbouring amenities; and
- vi) Implications of noise and odour.

- i) Principle of development

- 8.2 The application site is located within the settlement boundary, where development is generally supported, providing that the proposal respects the setting, form and character of the settlement. 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, subject to further consideration of all other relevant material planning considerations.

- ii) Highway safety

- 8.3 Concerns have been raised by third parties regarding the potential for the proposed change of use to impact negatively upon highway safety. The concerns relate to the lack of parking provision outside the premises and the proximity of the site to traffic lights, which it is suggested could lead to congestion and issues around highway safety in relation to deliveries, collections and customers attempting to park on the double yellow lines outside of the premises.

- 8.4 No highway 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 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.

- 8.5 The application site does not benefit from a private car parking area. However, multiple publicly accessible parking areas are situated within the locality and these parking areas maintain good pedestrian links with the application site. A lay-by directly outside of the premises would be suitable for short term use by delivery vehicles. In considering these points and the comments of the WSCC Highways Authority it is assessed that the proposed change of use is unlikely to result in a negative impact upon highway safety.

iii) Design and impact upon character of area, heritage assets and neighbouring amenities

- 8.6 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. 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.

- 8.7 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 High Street 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 existing properties to the north and rear of the application site. However, the 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.

- 8.8 The proposal would therefore be in compliance with Policies 33 and 47 of the Chichester Local Plan and would be acceptable with regards to design and impact upon the character of the area, heritage assets and the amenities of neighbouring properties. Neither would the proposed flue result in a negative impact upon the outlook, light or privacy of surrounding properties with regard to its physical appearance.

iv) Implications of noise and odour

- 8.9 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.

- 8.10 The applicant has provided information regarding the specification and maintenance of the flue as well as the arrangements for the storage and disposal of food waste. The submitted information provides clarification that food waste is to be stored internally within the application property and removed from the premises on a daily basis. With regards to potential cooking odours an extraction system is proposed which, subject to regular

maintenance, should adequately mitigate these odours. In support of this a schedule for the regular maintenance of the extraction system, such as to maintain its effectiveness, has also been submitted. The opening hours of the premises will be controlled by condition.

- 8.11 The proposal has also been assessed by the Environmental Health Officer, who commented that the information supplied was sufficient and gave their professional opinion that the development would not be expected to cause nuisance by way of noise or odour to nearby properties.
- 8.12 As such, in consideration of the abovementioned supporting information submitted by the applicant and the comments received from the Environmental Health Officer, it is not anticipated that the proposed change of use or 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.

### Conclusion

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

### Human Rights

- 8.14 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) The extract duct and ventilation system hereby permitted shall constructed and maintained in accordance with the details contained within the submitted Vent and Extraction Details document.

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

4) **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.

5) The extract flue and ventilation system hereby approved shall be at all times maintained in accordance with the submitted Maintenance and Management Scheme.

Reason: In the interest of preserving neighbour and public amenity.

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