

App.No: 141224 (PPP) 141225 (ADV)	Decision Due Date: 6 January 2015	Ward: Old Town
Officer: Toby Balcikonis	Site visit date: 16 October 2014	Type: Planning Permission
Site Notice(s) Expiry date: 26 October 2014		
Neighbour Con Expiry: 26 October 2014		
Weekly list Expiry: 20 October 2014		
Press Notice(s): N/A		
Over 8/13 week reason: Over 8 weeks (expires 12/11/14) to list at committee.		
Location: Trident Fish Restaurant, 23 Albert Parade, Eastbourne		
<p>Proposal: REF: 141224 - New shopfront with amendments to windows and openings on front elevation to include new fixed planters, decorative screens and gate to external demise line, installation of an ATM and other associated works. Also proposed is the installation of new retractable awnings to front (Green Street) and side (Chamberlain Road) elevations along with new external lighting.</p> <p>ALSO SUBMITTED REF: 141225 - Proposed new signage (mixture of illuminated and non-illuminated) for no. 20 Albert Parade and main restaurant (21-23 Albert Parade).</p>		
Applicant: Mr Demetrios Photiou		
Recommendation: REF: 141224 – Refuse REF: 141225 – Signage – Approve		

Executive Summary

REF: 141224 (External alterations):

The applicant has a large private forecourt which wraps around the front and side the premises situated on the junction of Green Street and Chamberlain Road.

This scheme proposes to use this private forecourt as an area for external tables and chairs (66 covers) to be used ancillary to the main property (fish and chip shop). The main consideration for this application is to assess the effect on residential amenity from the use of this external forecourt.

There is no objection in principle to the creation of areas of external dining within commercial parades as this sort of facility would add to the local catering offer and that to some degree it would help to support the viability of the wider parade with the potentially benefit from linked/shared trips.

It is considered that intensification of alfresco dining to the degree highlighted by this application would be detrimental to the residential amenity through increase in the potential for noise and disturbance and is recommended to refuse the application.

REF: 141225 (Signage):

The proposed alterations to signage are considered to be acceptable and is recommended to approve the application under application reference 141225.

Planning Status:

Recently granted permission under reference 140057 to move the takeaway in to the adjoining premises in order to enlarge the fish restaurant internally and extend the property to the rear to house a new kitchen and food preparation area.

Relevant Planning Policies:

National Planning Policy Framework 2012

Paragraphs 6, 7, 9, 11, 12, 14, 17, 35, 58, 60, 61, 64

Eastbourne Core Strategy Local Plan Policies 2013

B1: Spatial Development Strategy and Distribution

B2: Creating Sustainable Neighbourhoods

C4: Old Town Neighbourhood Policy

D1: Sustainable Development

D2: Economy

D4: Shopping Green Street (Albert Parade) District Shopping Centre

D10A: Design

Eastbourne Borough Plan Saved Policies 2007

UHT1: Design of New Development

UHT4: Visual Amenity

UHT10: Design of Public Areas

UHT11: Shopfronts

UHT12: Advertisements

HO20: Residential Amenity

Site Description:

The applications relate to the Trident Fish Restaurant and Takeaway at 20 - 23 Albert Parade, occupying the corner of the Albert Terrace parade of shops has been used as a number of years to house a successful Fish restaurant and takeaway. The takeaway element is moving in to the adjacent shop at number 20 (decided under planning application: 140057) creating space to extend the restaurant in to the area currently used as the takeaway.

The fish restaurant is accessed via an entrance sited on the corner of the building adjacent to the junction of Green Street and Chamberlain Road.

The forecourt of the restaurant (land within the applicant's ownership) forward of the front elevation of 21-23 Albert Parade and demarcated by brick paving, in contrast to the ESCC Highways owner tarmac covered areas, has largely been unused except to house A-boards and signage advertising the restaurant and takeaway.

Relevant Planning History:

060230 Display of 1 internally illuminated fascia sign and 1 externally illuminated projecting box sign. Advertisement - Standard advert approval - 06/06/2006

080576 Proposed single storey flat roof extension with rooflight at side to enlarge restaurant, together with extension at the rear to form enlarged kitchen and improved customer toilet facilities. Planning Permission - Approved conditionally - 28/10/2008

140057 Proposed Change of Use at no. 20 Albert Parade from A1 to A3 (including takeaway) in conjunction with existing restaurant at no. 23. Extension at the rear to form kitchen and food preparation area, together with replacement shopfront. Re-positioning of entrance staircase to existing first floor maisonette (no. 21) from front to rear of property. Planning Permission - Approved conditionally - 26/03/2014

940326 Change of use from bank to fish and chip restaurant and take-away together with new shop front and doorway and replacement windows to ground floor. Planning Permission - Approved conditionally - 27/06/1994

950055 Variation of Condition 2 of planning permission EB/94/0192 to extend approved hours of operation from 8.00 a.m. to 6.00 p.m. to 8.00 a.m. to 9.30 p.m. on Mondays to Saturdays inclusive. Planning Permission - Approved unconditionally - 23/03/1995

950273 Display of an internally illuminated fascia sign and projecting box sign. Advertisement - Standard advert approval - 01/06/1995

970414 Alterations to existing ground floor and ATM installation. Planning Permission - Approved unconditionally - 14/01/1998

970415 New internally illuminated fascia sign; projecting sign and ATM sign. Advertisement - Standard advert approval - 14/01/1998

Proposed development:

REF: 141224 –

There are a number of elements to this application and can be best summarised as a programme of upgrading/refurbishment works.

In more detail the elements of the proposal are outlined below:-

EXTERNAL CHANGES TO NUMBER 20:

The applicant seeks permission to:

- Install a new shop front in the new takeaway at number 20, with alterations to previously approved new shop front (140057) including:
 - addition of an ATM
 - existing wooden framed shopfront replaced aluminium framed shopfront

The new entrance to the unit will be via an entrance doorway relocated to the boundary with No 21 – 23.

PROPOSED CHANGES TO FAÇADE OF 21-23:

Replacement of the existing takeaway entrance (wooden double doors) on Green Street elevation with increased height aluminium framed doors.

- Existing timber framed sash windows to be replaced by aluminium framed windows (Grey) with top fanlight to tilt inwards and existing cills to Green Street elevation only to be lowered by approximately 220mm.
- Installation of electrically operated retractable fabric awnings with wind sensors (measuring 2.4 metres to full extent) in place of existing retractable awnings and the installation of new wall lights at a height of 2.25 metres spaced across façade of both Green Street and Chamberlain Road facades

PROPOSED CHANGES TO FORECOURT OF 21-23:

- Replacement of the existing concrete slab paving, within the applicant's external demise line with dark grey block paving (details tbc) sloped up to create a level entrance.
- Marking the forecourt's boundary with the adjacent public shopping parade and pavement (characterised by its tarmac appearance) are a series of proposed powder coated (dark grey) steel fixed planters 0.93 metre high x 1.8 metre wide intermittently spaced with decorative galvanized steel fixed screens and gate approximately 1.24 metres x 1.24 metres. All fixed are proposed to have concealed warm white LED under lip lights to provide a 'wash down' light to planters only.

REF: 141225 – The applicant also seeks permission to install new fascia signage across the new takeaway at number 20 fish restaurant to replace perspex signage at number 20 and 21-23 Albert Parade.

The current signage for the Trident restaurant and takeaway is downlit by a series of directed lamps fixed above the current fascia.

Proposed signage at number 20 includes:

- Projecting Sign 1: Spaced off fascia (650 x 650 x 200mm – Max projection 900mm)
- Fascia Sign 1: Halo illuminated formed lettering (Trident) on an aluminium signage fascia. The word 'Fish' to be constructed of steel deep formed letters.
- There are currently no proposed details of advertising for proposed ATM (under ref: 141224)

Proposed signage at 21-23 includes:

- Fascia Sign 2: Trident Restaurant lettering only attached directly to elevation ('TRIDENT' halo illuminated formed lettering 500mm H (word 3000mm max width) / 'RESTAURANT' lettering 220mm H (word 175mm width))
- Projecting Sign 2 (corner elevation above main entrance): Projecting sign box spaced off wall with internal spotlight over entrance (500x500x500mm – max projection 900mm).
- Menu Totem: Internally illuminated menu totem (800mmW x 150mm D x 1800mm H)
- Fascia Sign 3: Trident Restaurant lettering only attached directly to elevation ('TRIDENT' halo illuminated formed lettering 500mm H (word 3000mm max width) / 'RESTAURANT' lettering 220mm H (word 175mm width))

Consultations:

Internal:

Licensing – No objections from a Licensing perspective however they do make the following comments:-

- The licensee should be mindful of the premises licence, including the stipulation that dining is by waiter/waitress service.
- New plans and possibly variation application will be required if planning permission is granted.

External:

Highways ESCC – No objections on Highways grounds and they do make the following comments:-

- The private forecourt is completely under the control of the land owner, and as such ESCC have no control over this space.
- Although people may have got used to walk freely across the area, there is no right to do so as it stands and so can be closed off in highway terms.
- The remaining footway is approximately 1.8m wide which is acceptable
- As the edge of the area is a few metres back from the kerb line, it won't affect visibility splays coming out of Chamberlain Road

Neighbour Representations:

A total of 71 neighbour consultation letters have been sent to nearby residents of the application site and as of 6 November 16 objections have been received and cover the following points:

- Forecourt of restaurant has been used by freely by pedestrians for many years.
 - May 'force' people into the adjacent highway
 - Inconvenience people using the dropped kerb at Chamberlain Road junction particularly the elderly and people with pushchairs
- People entering and leaving restaurant may obstruct pedestrians
- Permanent fixture would be incongruous to street scene of Albert Parade as a whole
- Introduction of potential noise and disturbance to the area, with strong residential element in close proximity
 - Cheriton Court opposite –20 flats for elderly offering supported accommodation
 - Residential units on upper floors over parade of shops
- Potential for increase in existing traffic congestion and parking issues
 - Increase in covers at restaurant and installation of ATM
- Already a noise element at the premises, especially in the summer months
 - Students etc.
- Outdoor seating may prove a magnet for people to gather out-of-hours and encourage anti-social behaviour
- Threaten viability of Cheriton Court due to the expansion of the business
- In summary, it is felt that there is an over-development of the site, changing the character of the appearance of the area, which will attract a greater amount of noise and disturbance to nearby residents.

Concerns also exist with regard to the introduction of external lighting and the perceived increase of illuminated signage.

In addition, 2 letters of support have been received welcoming the improvement of the existing restaurant, which is described as "very good":

- Good restaurants in the town should be encouraged
- Cheriton Court are members of the Neighbourhood Watch and can report any issues of anti-social behaviour.

Appraisal:

APPRAISAL 141224:

Principle of development:

There is no objection in principle to the introduction of an alfresco seating area within the demise of the forecourt of a business so long as there is not unacceptable impact on the amenities of the nearby residential occupiers, and no impact on the safety of persons using the adjacent highway as a result of the proposal.

Impact of proposed development on amenity of adjoining occupiers and surrounding area:

Policy HO20 of the Eastbourne Local Plan requires new development proposals to respect residential amenity and Policy B2 of the Eastbourne Core Strategy seeks to protect the residential and environmental amenity of existing and future residents.

Paragraph 17 of the NPPF states that LPA's should "proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs and promote mixed use developments" whilst always seeking to "secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings"

Although that the proposed design and layout of the boundary treatments is reasonable for the locality, it is considered that the introduction of an external dining area to seat 66 covers, in addition to the 83 internal covers that will be available inside the extended restaurant (granted permission previously), will alter the way the existing establishment is used. It is considered that this increase in usage may introduce the potential for increased noise and disturbance to the nearby residential occupiers to such a degree as to have the likelihood of impacting upon their residential amenity. This potential loss of residential amenity is considered to have significant weight in the assessment of this application.

The applicant has detailed their hours of opening as being from Monday to Saturday 11:30 – 21:30 and not on Sundays and Bank Holidays and although there currently exists an al fresco dining area located to the side / rear there do not appear to be any recorded details of recent noise complaints.

Design issues:

Policy B2 of the Eastbourne Core Strategy seeks to create an attractive, safe and clean built environment with a sense of place that is distinctive and reflects local character.

Policy D10a of the Eastbourne Core Strategy and Policy UHT1 of the Eastbourne Local Plan states that proposals will be required to harmonise with the appearance and character of the local area and be appropriate in scale, form, materials (preferably locally sourced), setting, alignment and layout. Policy UHT4 states that proposals which have an unacceptable detrimental impact on visual amenity will be refused.

Although the parade of shops does not currently have any examples of outside seating areas, it must be acknowledged that none of the other units in the parade benefit from ownership of the adjacent forecourt and therefore like development has not occurred in the location previously.

The applicant has stated that previously bench / table sets have been located to the front of the premises previously and currently the restaurant benefits from an enclosed seating area to the side/rear adjacent to Chamberlain Road.

On balance it is considered that the proposed development of the forecourt will not have an unacceptable detrimental impact visually and will not be out of character in an environment such as a mixed use parade. The location of the application property at the end of the parade helps ensure that once on the parade, the flow of pedestrians using the parade should not be affected.

Movement may be restricted when entering or leaving the parade from the Green Street / Chamberlain Road junction, a location where a pedestrian crossing is present, although as ESCC Highways have advised, a footway of 1.8 metres remains, which is considered to be of an acceptable width, although this would also be the proposed site of the entrance/exit to the proposed site of the entrance/exit to the proposed external seating area (via decorative galvanised gates) which may hinder passing pedestrian movement.

The applicant proposes to lower the cills on the Green Street elevation, which although, is not a considerable height, may serve in visually unbalancing the main building, which is located in a prominent location on a junction creating a dual-fronted elevation which is characterised by its symmetry between the Green Street and Chamberlain Road Elevation.

The replacement of the window frames from Wood to aluminium on ground floor level, is considered to be acceptable, as although this would mean that the windows differ in appearance from the upper floors in the building, the rhythm of the parade as a whole is characterised by the difference in the commercial ground floors, and the residential accommodation on upper levels, characterised by contrasting appearance and materials.

In conclusion there are no objection to the design issues of this development.

Impact on character and setting of a listed building or conservation area:

The application site is not located within or near to a conservation area and will not affect the setting of any listed buildings and therefore there is no concern in this regard.

Impacts on trees:

There will not be a direct impact to trees as a result of the proposed development, however, there are concerns as to the positioning of the long established street tree

located on Chamberlain Road, which benefits from the open forecourt to allow the movement of pedestrians adjacent to the tree.

The installation of boundary treatments to the full extent of the applicant's demise, could see the pedestrian access on the East side of Chamberlain Road, compromised, as there would be limited space to pass on the pavement adjacent to the tree.

Impacts on highway network or access:

Following consultation with ESCC Highways, confirmation has been received that the position of the proposed development on land under the ownership of the applicant will not encroach on the area of paving under the control of Highways meaning that sufficient space will be left for the movement of pedestrians. In addition, the safety of persons entering or leaving the road junction of Chamberlain Road and Green Street will not be compromised as a result of the proposed boundary treatments and external dining facilities due to a sufficient visibility splay remaining.

No objections have been made by Highways to any proposed implications to the effects of parking or congestion as a result of the proposed development. Notwithstanding that absence of comment, it is considered that the increased capacity for additional covers may result in more traffic an increase in the demand for parking in the vicinity around the site. However, the parade of shops is located within walking distance of a large residential catchment area and is served by a main bus route with a nearby stop with regular buses largely of the offsetting the need for travelling to the location by car.

The takeaway element of the business should not increase as a result of the elements proposed by this application, and is not considered to have any additional impact. Likewise, the installation of an ATM should not cause undue disruption to the highway network, or significantly increase traffic to the area.

Sustainable development implications:

Paragraph 18 of the NPPF states that the Government is committed to securing economic growth in order to create jobs and prosperity.

Paragraph 19 of the NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

The introduction of an alfresco culture at one end of a shopping parade could add to the vitality of the area and attract footfall which would be beneficial to the local economy, however it is considered that this could be at the cost to the amenities of nearby residential occupiers living in close proximity to the application location, which includes a residential court comprising of 20 flats for the elderly.

It is acknowledged the NPPF's support for sustainable growth, and requirement that significant weight should be placed on this factor, in order to secure economic growth in order to create jobs and prosperity, this should not be at the cost of unacceptable impact to the amenities of the adjacent residential occupiers.

Notwithstanding the obvious expansion in the potential for the existing business to grow through the ability to serve more covers, the applicant has not clearly demonstrated that there is sufficient demand for the level of increase, and has not demonstrated that there will be an increase in employment as a result of the proposal with the submitted application form detailing no change in the 2 full-time and 3-part time staff currently working at the business.

It is considered therefore that no clear evidence has been presented as to the benefits in terms of economic growth resulting from the new business, and on balance the potential benefits do not outweigh the negative impacts to residential amenity as a result of the proposed intensification of the business and specifically the al fresco dining element.

APPRAISAL 141225 (Display of Adverts):

Principle of development:

There is no objection in principle to the installation of illuminated signage and other associated shopfront signage so long as it does not impact on the amenities of the adjoining occupiers to an unacceptable level and is in-keeping with the host property and wider local area.

Impact of proposed development on amenity of adjoining occupiers and surrounding area:

Policy UHT12 states that advertisements shall be sensitive to the building and locality, particularly in, and affecting the setting of, conservation areas, the AONB and listed buildings.

Policy UHT4 states that proposals which have an unacceptable detrimental impact on visual amenity will be refused.

In proposing luminance levels of the proposed new signs to be set at 300 candelas per metre the applicant has chosen a level suitable for the mixed use locality which has a strong residential presence. The proposed signage is considered to be appropriate in its design, size and use of materials and would be in-keeping with the host building and is therefore considered to be acceptable in this regard.

Impact on character and setting of a listed building or conservation area:

The application site is not located within or near to a conservation area and will not affect the setting of any listed buildings and therefore there is no concern in this regard.

Impacts on highway network or access:

The proposed signage is considered not to be significantly impactful in both their position and level of luminance and furthermore ESCC Highways have raised no objection to any of the proposed elements following consultation.

Human Rights Implications:

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

Conclusion:

REF: 141224:

The use of the forecourt to provide an external seated dining area for 66 covers would be likely result in an unacceptable impact to the amenities of the neighbouring occupiers through increase noise and disturbance from persons and activities carried out in the forecourt area, and would therefore conflict with the Council's approved policies.

REF: 141225 (Display of Adverts):

The proposed changes to shop and takeaway signage will not result in an unacceptable impact on the amenities of the adjacent occupiers and are considered to be acceptable. It is therefore recommended to approve this application.

Recommendation:

REF: 141224:

It is recommended to refuse the application.

REF: 141225 (Display of adverts):

It is recommended to approve the application with the following conditions:

Conditions:

1 – 5): Standard advert conditions

6): Limit hours of illumination to that stated in application form.

Summary of reasons for refusal for application ref: 141224

The use of the forecourt on Green Street as an alfresco dining area due to the number of covers proposed would result in an intensification of use of the premises that would be likely to result in a detrimental impact to the amenities of the occupiers of neighbouring properties, and would therefore conflict with policies B2 of the Eastbourne Core Strategy Local Plan 2013, policies UHT1 and HO20 of the Eastbourne Borough Plan (Saved Policies) 2007 and paragraph 17 of the National Planning Policy Framework.

Informatives

N/A

Appeal:

Should the applicant appeal the decision the appropriate course of action to be followed followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations**.