

## REPORT UPDATE

**Application no:** AW/177/23/PL  
**Page no:** 53  
**Location:** West Park Cafe Silverston Avenue Aldwick  
**Description:** Removal of public toilets and change of use to cafe only (Sui generis to Class E/A3), refurbishment of existing cafe including alterations to existing layout and conversion of existing flat roof to useable terrace, and installation of verandah. This application is in CIL Zone 4 (Zero Rated) as other development.

### UPDATE DETAILS

Condition 4 regarding opening times for the cafe has been amended to now allow it to open from 9am to 9.30pm. This is to match up with the opening times as set by the lease for the property.

Officers comments: It was noted in the officers report that in order to reduce risk of impact to neighbouring amenity as a result of increased noise from the roof terrace, a condition was applied restricting the opening hours of the cafe. However, following further correspondence with the agent, it was understood that the opening hours on the lease were not restricted until 9.30pm, and therefore it was considered that the imposition of a condition restricting the use of the roof terrace past 5pm should be altered to allow it to be used all the time the cafe is still open. This would also further address the concerns regarding the provision of public toilets, as these would then be available for use until 9.30pm. A time restriction was still felt necessary however, in order to protect neighbouring amenity from adverse noise disturbance.

Informative 7 has also been added to inform the applicant of building regulations which may require the installation of a lift, so the roof terrace can be made available for all users.

Further representation from the Parish Council was also received as of 8th November 2023. This maintained an objection to the proposal, and stated that previous comments on this application stand. Comments were also made in relation to the proposed amendments, in which the Parish Council believes that prior to any approval, risk assessments should be carried out regarding access to and safety of the roof garden. They also believe Sussex Police should be made aware of this proposal and consulted.

Officer comments: Further comments from the Parish Council have been noted.

Another public representation was received on 13th November 2023. This stated no objection to the proposed alteration to the cafe, and was seen as a welcome improvement. However they objected to the removal of the public toilets, and felt that the removal of toilets in this location would be a mistake.

Officer comments: Objection has been noted.



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West Park Cafe  
Silverston Avenue  
Aldwick

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## RECOMMENDATION

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AC - Approve Conditionally

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- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

- 2 The development hereby approved shall be carried out in accordance with the following approved plans and documents:

- Site Location Plan 007 Rev C
- 006 Proposed Elevations Rev B
- 004 Proposed Ground Finishes Rev B
- 003 Proposed Plans (Roof Terrace) Rev B
- 002 Proposed Plans Rev B

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 Within one month of the extended cafe opening, the secure external bin storage shall be constructed, in accordance with the plans as approved in Condition 2 above.

Reason: In accordance with Arun Local Plan policy WM DM1 and the NPPF.

- 4 The opening hours of the cafe will be restricted to 9am to 9.30pm, Monday to Sunday.

Reason: In the interests of amenity and the environment in accordance with policy D DM1 and QE SP1 of the Arun Local Plan.

- 5 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. 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 have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out in the NPPF.

- 6 **INFORMATIVE:** The plans approved do not include any details of internal or external extraction fans, venting or ducting. As such, should any extraction infrastructure be required for use in the cafe, a separate application for planning permission will be required.

- 7 **INFORMATIVE:** It should be noted that the proposal will need to comply with Building Regulations. The applicant should be aware that according to Approved Document M Volume 2 2015 (page 40), 4.14 All public areas, including lavatory accommodation, public telephones and external terraces should be accessible. Where premises contain self-service and waiter service, all patrons should have access to both.

In order for the roof terrace to comply with Building Regulations Part M, a lift would need to be

considered. The design would need to take into account how people with a disability would get off of the terrace in the event of a fire.