Development Management - Delegated Officer Report

Application Number: 0056/12 Recommendation – APPROVE

Site: 14 South Street, Lancing

Proposal: Change of use from class A1 to class A3

Date of site visit: 19 January 2012

Neighbours checked: Y

Proposal, Site and Surroundings

The application relates to a ground floor vacant shop located south of Lancing Station. There are a mix of uses in the immediate locality with predominantly commercial premises at ground floor level and residential flats above as at the application site. There are on street parking bays immediately outside the premises. To the immediate rear is a yard/garden area which relates to the adjoining property to the east.

Permission is sought for a change of use to a café (class A3). No details of extraction or ventilation have been included but the applicant has included details of cooking equipment which would be limited to a Panini grill, microwave, oven (with no hob). There would also be a coffee machine and chiller display cabinet.

Seating for 19 is shown on the plans. Proposed opening hours are 7am to 7pm, Monday to Sunday with two full time equivalent staff being employed.

No external alterations are proposed.

Relevant site history

L/117/92/TP/FP – permission granted for a change of use to a café (class A3) in 1992. Hours of opening were conditioned to 7am to 7pm

L/92/93/TP/FP – permission granted for a change of use from shop (class A1) to estate agency office (class A2)

L/36/00/TP/FP - permission granted for a conversion of the first floor from offices to 3 self contained flats (8-14)

Consultations

Adur & Worthing Councils: The Environmental Health Officer has confirmed no objection in principle to the change of use without a full commercial extract system providing the equipment listed can be controlled by condition.
The Environmental Health Officer has also recommended a precautionary contamination condition.

Lancing Parish Council: LPC approve of the scheme and welcomed the proposed changes.

Representations

One letter of representation has been received from a Lancing resident objecting to the proposal on the grounds of effect on highway access and parking, loss of amenity and overdevelopment. Particular concern is raised over the number and variety of other cafes/restaurants/takeaways in Lancing, stating that this means the current proposal is an overdevelopment.

Relevant Planning Policies
Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AS1
South East Plan (GOSE 2009): CC1, CC6, NRM9, NRM10
National Planning Policy Framework (CLG 2012)

Planning Assessment

The determining issues relate to the principle of the change of use, the impact on the amenity of neighbouring occupiers, the impact on the visual amenities of the site and surroundings, and parking and access.

In terms of the principle of the change of use, Policy AS1 allows A1 and A3 uses in this location subject to detailed amenity, parking and design considerations, and providing there is no loss of residential accommodation at upper floors. Therefore, although the concern raised in the representation over the number of other food and drink uses is noted, subject to the detailed amenity, parking and design considerations the principle of the change of use would be acceptable.

Visual amenity
There are no external alterations proposed and so there would be no significant impact on the character of the recipient building or area generally.

Residential amenity
In terms of potential noise and disturbance, the site benefits from a shopping centre location, where A3 uses are generally best suited in preference to out of centre locations. There is residential accommodation on the first floor of the building and the proposal would generally represent a more intensive use of the site than the previous shop use. However, control over the equipment used within the premises so that it is compatible with there being no extraction equipment would ensure that there would be no significant nuisance caused by odours as per the recommendations of the Environmental Health Officer. A condition is recommended to control this aspect.

Whilst permission was granted in 1992 for an A3 use with opening hours 7am to 7pm, this permission predates the conversion of the upper floor to residential flats. Therefore further consideration should be given to the impact of these hours on residential amenity. The proposal would not represent an introduction of evening activity as this appears to align with other similar uses in the vicinity, likewise in terms of the impact from any additional traffic movements at these times, and 7pm would be reasonable given the proximity

to residential properties. However, 7am opening appears to be earlier than other nearby uses, but given the location in a shopping street, close to the railway station, this is an appropriate location for such a use where amenity impact would be minimised compared with out of centre locations. Environmental Health are satisfied that there would be no significant impact arising from these hours. A condition to limit the operation to those proposed hours is considered appropriate.

Subject to the conditions outlined above, the proposed use would not pose any significant threat to amenity.

The site is not identified as being a potentially contaminated site therefore an informative is considered sufficient to advise the applicant of potential contamination.

Recommendation
The proposed development would not detract from the local environment and can take place without resulting in unacceptable detriment to the amenities of neighbouring properties. It would consequently not conflict with the saved policies of the Adur District Local Plan (AG1, AS1) or the policies of the South East Plan (CC1, CC6, BE1)

Subject to:

1. Standard 3 year time limit
2. No primary cooking – reheating by microwave oven, pannini grill, oven (no hob) as per details submitted unless otherwise agreed
3. Limit opening hours 7am-7pm daily
4. Permission relates to approved plans:
   Drawing No:227.12.04 entitled ‘Location Plan’ Date Received: 22 April 2012
   Unnumbered drawing entitled ‘Ground Floor Plan’ dated 22 April 2012
   Unnumbered plans and particulars dated 22 April 2012

Informative - Contamination precaution

Is recommendation contrary to letter(s) of representation? Y

Case Officer: Rebekah Smith Date: 28 May 2012

Authorised by: P. Barnett Date: 30 May 2012