Development Management - Delegated Officer Report

Application Number: AWDM/0518/20 Recommendation – Approve

Site: **8-10 South Street, Lancing**

Proposal: **Change of use from Use Class A2 (professional services) to Use Class A3 (restaurant) to be amalgamated with existing hot food takeaway at No. 8 with associated internal alterations. Demolition of existing extension to No. 8 and construction of new single-storey extension. (Re-submission of AWDM/0592/17)**

Date of site visit: 11 May 2017

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application relates to an A2 unit (No.10) which sits adjacent to a takeaway (Class A5) at No.8 called Andreas which specialises in kebabs. It is proposed to change the use of No.10 and to amalgamate the two buildings to form a restaurant and takeaway. The existing flue at the rear of No.8 will remain. An existing single storey extension at the rear is to be demolished and rebuilt, albeit slightly higher.

The current opening hours are 12pm to 11pm every day. There will a new shopfront at No.10 with deeper windows and a flat frontage (removing the existing slight angled frontage).

Relevant site history

AWDM/0592/17 - Change of use from Use Class A2 (professional services) to Use Class A3 (restaurant) to be amalgamated with existing hot food takeaway at No.8 with associated internal alterations - approved

Consultations

West Sussex County Council: The **Highway** Officer has no objection. The site is located on South Street, a 30mph road in Lancing Town Centre. Immediately to the north of the site is Lancing Train Station and a few yards away is the local bus stop. The site is considered to be within a sustainable location.

There are parking spaces directly outside the site and enforceable parking restrictions are in place on South Street to avoid any dangerous parking behaviour. No details have been provided on how the existing hot food takeaway is serviced but it is assumed this will continue as is already occurring. Please can these details be forwarded to the LPA to ensure there will not be any highway safety issues with these servicing arrangements.

It is anticipated there will be a high level of footfall to the site given its location however; as with most takeaways, if they offer home delivery there is likely to be a demand for at least 1 or 2 parking spaces for a car or motorbike to operate this service. This does seem to be possible.
As such WSCC raise no highway objection to the proposals.

Further comments following receipt of servicing and delivery plan:

The submitted delivery and servicing management plan has been reviewed by WSCC as the CHA, these arrangements have been considered and are accepted by the CHA. No objection raised

Adur & Worthing Councils: The **Environmental Health** Officer commented:

I see the new layout does not reflect the option previously provided.

I would need to see the seating layout so I can check toilet provision. There is no lobby on the toilet and the second toilet seems to be shared with staff.

The sound insulation scheme will also be needed.

A sound insulation scheme shall be submitted to protect the above residential property from the restaurant as the opening hours are likely to increase. The scheme shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB). Following implementation of the insulation scheme, a test shall be undertaken to demonstrate that the attenuation measures carried out has achieved the minimum airborne sound insulation criteria. The use of the development shall not commence until test results, demonstrating the minimum sound insulation criteria has been achieved, has been submitted to and approved by the local planning authority.

Comments following receipt of amended plan:

The toilet provision is now adequate. There is an accessible toilet which is good to see. Is the front door to the restaurant also accessible?

I have no objections to this scheme being approved with the sound insulation condition discussed.

Lancing Parish Council: No objection

Sussex Police: The business currently operates between the hours of 16:00 to 23:00 as a takeaway. The applicant is looking to extend into the building next door to provide a restaurant alongside the takeaway.

From a crime prevention viewpoint my main concerns would be additional footfall to the area and potential associated noise from the restaurant. There is also the concern of possible congregating and associated anti-social behaviour.

Given that the area is a mixture of commercial and residential there is a need to protect the amenity of nearby residential occupiers especially late into the night against noise and disturbance. From a crime prevention perspective, if

not already in place, thought should be given to the siting of CCTV and an intruder alarm.

Representations

None received

Relevant Planning Policies

Adur Local Plan (2017) Policies 9, 15, 27
Lancing Vision (2012)
National Planning Policy Framework (Feb 2019)

Planning Assessment

Principle

The application premises are subject to Policy 9 of the Adur Local Plan which states that within the primary frontages of blocks 1, 2 (excluding Queensway Shopping Precinct) and 3, the following uses will be acceptable at ground floor level, subject to compliance with other relevant policies:
 A1 (shops)
 A3 (food and drink) and A4 (drinking establishments) and appropriate D1 (non-residential institutions) uses where there is a long term vacancy (normally a minimum of 1 year) and reasonable attempts have been made to sell or let the premises for A1 use.

The proposed development would not displace an existing class A1 use and there is therefore no need to demonstrate long term vacancy or attempts to sell/let for A1 use. There would be a loss of A2 use and its replacement with an A3 use, in line with Policy 9.

Lancing Vision identifies the site as forming part of the 'Village Heart' where the vision is to strengthen and focus town centre uses (including Classes A1, A2 and A3) to ensure that it becomes 'rich with activity'. The Vision seeks to resist changes of use to hot food takeaways (Class A5) in order to avoid displacing town centre uses that play a vital role in enlivening the 'Village Heart'. This application retains the existing takeaway and is proposing a new restaurant which therefore complies with the aims of the Vision.

Visual amenity

The proposed extension will be visible from the entrance road to the Asda supermarket but it is a modest addition and will not cause visual harm. There will be a new shopfront to the existing takeaway which is considered to be acceptable.

Residential amenity

There is a flat above the restaurant and the EHO is seeking sound insulation improvements. Subject to these works being carried out, he has no objection to the proposal.

Parking and Access

There is no off-street parking available but the site is in a sustainable location, close to the railway station. There are parking bays in South Street and a public car park by the station.

A Delivery and Servicing Plan has been provided which states:

"3.7 *The takeaway currently operates between 12:00-23:00 hours, with take-away deliveries carried out via two private cars. The home delivery vehicles are currently accommodated on-street and no change to this nor the hours of operation are proposed.*
3.8 With regard to food/stock deliveries, there are presently four deliveries per week from suppliers. No additional deliveries are expected as a result of the proposals, principally as the proposals seek to contain more customers on site within the restaurant facilities as opposed to being more take-away orientated. Delivery vehicles will continue to serve the site from the parking bays on South Street. The drawing attached as Appendix A illustrates a typical panel van delivering supplies arriving and departing via the lay-by directly fronting the site.
3.9 Refuse will continue to be collected as part of a wider collection. No change to the refuse collection arrangements is proposed."

No highway safety or amenity concerns have been raised.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. No development shall take place until a sound insulation scheme has been submitted to the Local Planning Authority. The scheme shall protect the first floor residential property above the restaurant from noise from the restaurant. The scheme shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB). Following implementation of the insulation scheme, a test shall be undertaken to demonstrate that the attenuation measures carried out have achieved the minimum airborne sound insulation criteria. The use hereby permitted shall not commence until test results, demonstrating that the minimum sound insulation criteria have been achieved, have been submitted to and approved by the local planning authority.
4. Hours of opening 8.30am-11pm every day
5. Use A3 and A5
6. No external plant other than as shown on approved plans

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

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant,

acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Case Officer: Peter Barnett Date: 20 July 2020

Authorised by: Gary Peck Date: 20 July 2020