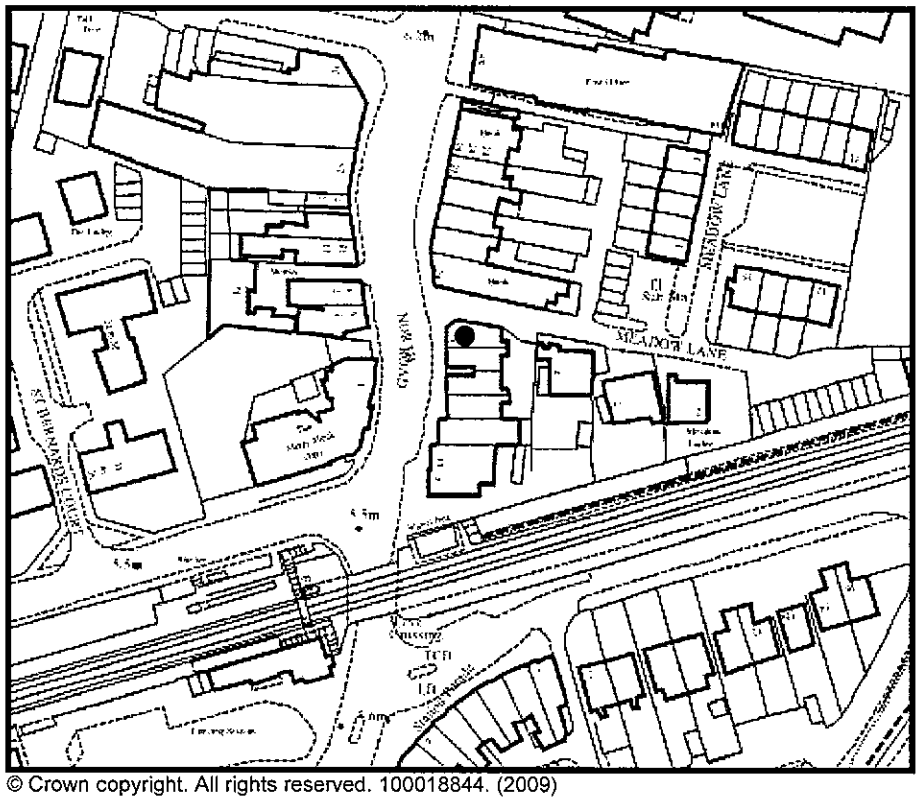
Application Number: ADC/0268/09 **Recommendation – Temporary permission**

Site: **20 North Road, Lancing BN15 9AE**

Proposal: **Change of use from retail shop to over 18's gaming centre (amusement arcade)**



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The Application

The application relates to a groundfloor shop (47sqm) situated on the corner of North Road and Meadow Lane, 50m north of the railway. It is proposed to relocate 'Ka$ino Leisure' from their current premises (70sqm) at the south end of South Street (adjoining the A259, opposite Beach Green).

An accompanying letter states that they have been trading at 157 South Street since December 2005 but, owing to the current economic climate, they have been forced into surrendering their lease. They hope that the present premises, being smaller and more centrally located, would attract more customers, thereby increasing turnover whilst reducing outgoings.
They state that their existing business has proved that they have operated professionally without any complaints over a 4 year period. In the event that residents have concerns about the currently proposed site, they are agreeable to a temporary permission for a trial period of 6 months or 12 months.

Consultations and Representations

West Sussex County Council: No objection.

Sussex Police: Ask for a temporary permission to be considered for 12 months to enable it to be re-examined at the end of that period.

Adur District Council: The EHO has no objection. Comments that there is an office above (rather than a flat as in the case of their present premises) but there are residential properties quite close by and suggests assessment of sound insulation to protect the office above and approval of any extract ventilation.

Lancing Parish Council: To be reported.

Third Parties: 4 letters/emails have been received, 3 objecting.

One objection is from a resident of Freshbrook Road, the other objections are from residents of Sompting, on grounds that:-

- this type of business is inappropriate and not wanted in the main shopping street; it is especially inappropriate close to public houses, fast food outlets and ATM machines;
- there is ample opportunity to play gaming machines in local public houses and betting offices;
- gambling of any sort should not be promoted or encouraged [NB. Moral objections to gambling are not a relevant planning consideration];
- it would encourage more children to hang around during the day and evening which is already a problem, albeit causing an intimidatory effect rather than any actual offence;
- retail outlets are desperately needed especially in the present climate;
- if the applicants are not in the most positive financial position, the premises might close and be boarded up when it is likely a retail business would be prepared to take the unit.

The other letter is from the resident of No.4 North Road (to the rear) who questions whether the Council would be able to enforce restrictions on opening hours when it has not done so in respect of the nearby restaurant.

Relevant Planning Policies and Guidance

Adopted Adur District Local Plan 1993-2006 (ADC 1996): AG1, AS1, AE5-6
PPS1 'Delivering Sustainable Development' (ODPM 2005)
Consultation Paper on proposed new PPS4 'Planning for Prosperous Economies' (DCLG 2009)
PPS6 'Planning for Town Centres' (ODPM 2005)
PPG24 'Planning and Noise' (DoE 1994)

Planning Assessment

Policies

The site is located within the main shopping area of Lancing where Local Plan policies AS1 and AE5-6 apply (the latter are not relevant in this case). AS1 states that permission will normally be granted for shopping and food&drink uses within Use Classes A1 and A3

subject to criteria including no loss of amenity to nearby residents and access and parking considerations. It also states that:-

> "Development which involves loss of existing shopping provision (A1 & A3) will not be permitted if the proposal is likely to detract from the character and vitality of the area".

There is no longer any specific Government guidance on amusement arcades or centres (NB. they do not fall into any Use Class). PPS6 refers to the general need to take account of the implications of leisure and entertainment uses for the evening and late night economy of the centre concerned, as well as its vitality and viability, quality, attractiveness, physical condition, character and role in the economic and social life of the community. PPS6 states that a network of local centres is essential to provide easily accessible shopping to meet people's day-to-day needs and should be the focus for investment in more accessible local services and community facilities. "The mix of uses in local centres should be carefully managed". Councils should strengthen local centres by seeking to ensure there is a range of facilities consistent with the scale and function of the centre and, where appropriate, seek to protect existing facilities providing for peoples day-to-day needs and seek to remedy deficiencies in local shopping and other facilities to help address social exclusion, particularly in deprived areas.

Character and vitality of shopping centre

The proposal is not for a use within Classes A1 or A3 and, consequently, a prime consideration is whether it would detract unacceptably from the character and vitality of the shopping area.

It is evident from many appeal cases elsewhere that it is difficult to substantiate an objection to an amusement centre in a shopping area on grounds of detraction from vitality and viability (89% of appeals allowed where this was the only issue). Those cases that have been dismissed on appeal have tended to be where the location is in the prime shopping frontage of the centre concerned or would result in an excessive concentration of non-A1 uses. In most cases, the view is taken that they are appropriate in a shopping area, add to diversity of uses and attract as much custom as many shops, thereby not detracting from vitality.

In the present case, the frontage concerned is within the shopping area but it is clearly not a prime shopping frontage. This particular block currently comprises a sandwich bar (No.18), restaurant/take-away (No's 14/16), video shop (No.12) and estate agents (No's 8/10). On the opposite corner to the north is a single-storey bank. The main concentration of shops is to the north, on the opposite side of the road, where the prime frontages are located. Moreover, the application premises have previously had permission for non-retail use; as a betting office (L/17/99) and estate agents (L/123/81).

Apart from this, the proposal would add to the range of uses within the shopping centre and thus accord with PPS6 which requires a diversity of uses.

A window display is considered necessary (as required by policy AE6 for Class A2 premises).

Residential amenity

The other main concern is the impact on the residential amenities of nearby properties. The application site does have the advantage as compared to the existing premises at 157

South Street of having offices above rather than a flat (although there is an unimplemented permission to convert the offices above No's 14/16, 18 & 20 to 2 flats granted in 2008). Dwellings are located to the rear (off Meadow Lane) and above some of the other shops and offices further along North Road (the closest being about 20m away).

During the daytime, when the area is frequented by shoppers, the use of an amusement arcade would not have any significant noise impact. In the evenings, however, background noise is much lower. In 2005, when the previous South Street proposal was considered, there was concern about the amusement arcade acting as a magnet for young people and anti-social behaviour occurring, leading to noise disturbance to nearby residents in the evenings. In practice, however, this problem appears not to have materialised. The applicant operates a voluntary ban on under 18s.

Although the experience of the applicant's existing premises is that disturbance from patrons is unlikely to occur and it is unlikely to act as a gathering point, the more central location of the present site may give rise to more people being attracted. Consequently, as suggested by the Police, it is considered that permission for a temporary trial period should be given in the first instance.

Conditions requiring opening hours to be restricted to 9am-9pm and provision of any necessary sound insulation are also considered justified (NB. the view of the Planning Inspectorate is that restricting the age of clientele cannot validly form the subject of a planning condition).

Recommendation

APPROVE for the reason:-

The proposal would provide recreational facilities in an easily-accessible site in the centre of Lancing, close to public transport. It would add to the diversity of uses and not detract from the vitality and viability of the shopping centre or from the residential amenities of dwellings in the locality. Consequently, it does not conflict materially with policies AG1, AS1 or AE6 of the Adur District Local Plan or PPS6.

Subject to: -

1. C1Di (Temporary permission expiring 31 August 2010)
2. C14L (Premises shall not be open for use except between the hours of 9am to 9pm) (amended)
3. C17A (Acoustic survey and sound insulation scheme to be submitted, approved and implemented) (amended)
4. A window display shall be provided in accordance with details to be submitted to and approved in writing by the LPA.

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