Development Management - Delegated Officer Report

Application Number:
AWDM/1118/13

Recommendation – Grant permission

Site: **Asda, South Street, Lancing**

Proposal: **Variation of Condition 13 of L/93/93/TP to increase trading hours from 6am to midnight Monday to Saturday and 10am to 4pm on Sunday. Deliveries shall take place between 4pm and 9pm Monday to Sunday inclusive.**

Date of site visit: 20 September

Neighbours checked: Y

Additional neighbour notifications: N (but reconsultation carried out on amended description)

Proposal, Site and Surroundings

This application seeks an amendment to the opening hours of the Asda supermarket which is situated on South Street close to the railway station. A large car park is to the rear (west) and on its southern and western boundaries are residential properties. Beyond the railway station to the front of the store are primarily commercial uses.

The existing hours are 7am to 10pm on Monday to Saturday. There is no proposed change to the Sunday opening hours.

The application has been amended during its determination: as originally submitted, 24 hour opening was proposed, except Sundays.

Relevant site history

Planning permission was granted for the supermarket in the 1990s and the subsequently approved opening hours were 8am to 10pm as well as the current Sunday opening hours. A subsequent alteration to a 7am opening was agreed in 2012.

Consultations

Adur & Worthing Councils:

To the original proposal for 24 hour opening, the Environmental Health Officer commented:

There is a history of noise and light complaints from the rear car park when the gates have been left open at night. The noise has been from youths gathering in their cars and from teenagers playing football in the car park using the lighting as floodlights. The car park lights are normally turned off when the store is closed. The two complaints that were received about lighting, and which I visited, showed light levels between 1 and 2 Lux (pre-curfew) on

the affected bedroom windows. This was within the guidelines of the Institute of Light Engineers, guidance for suburban areas. However, I could not say for sure this would be the case for all residential property surrounding the car park.

The supporting statement claims that the proposed change in hours would have no impact on the amenity of neighbouring properties but this claim has not be substantiated.

My main concern is the 24 hour use of the rear car park. Therefore, unless the store can operate the extra hours with just the front car parking facility, it will need to submit a noise and lighting report to assess the 24 hour use of the rear car park on neighbouring homes. The car park will also need security if it is to be open all night to prevent youths gathering again.

Following the amendment to the application, the Environmental Health Officer confirmed he now raised no objection to the application.

Lancing Parish Council:

No objections but Committee would like ASDA to address the parking problems at the front of the store

Representations

3 letters of objection have been received from 2 addresses on the grounds of noise and disturbance being worsened by increased opening hours.

1 letter has been received commenting that the supermarket should be subject to the same hours as other commercial outlets in the area.

Relevant Planning Policies

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): include AP7, AE16

National Planning Policy Framework (CLG 2012)

Planning Assessment

Principle

Previous extensions to opening hours at the site have been agreed and so as such the proposal is acceptable in principle although this is clearly dependent upon amenity considerations.

Amenity

It is evident that there have been amenity issues with the use of the car park to the rear of the store although it is unclear how directly connected this is with the opening hours of the store itself. Having regard to the amenity issues, however, it was considered that the application as originally submitted, for 24 hour opening, could not be considered acceptable on the basis of the information submitted.

Following discussion with the applicant, a revised proposal was received which would extend the hours of opening to 6am to midnight which would result in the store being open 1 hour earlier and 2 hours later. While the increase in opening hours could be seen to increase noise and disturbance, the use of the car park which is currently causing nuisance appears to be primarily when the store is closed and it could be argued that the increased opening hours will assist in reducing any anti-social use of the car park. The store entrance itself is situated sufficiently distant from neighbouring properties. It is also noted that the railway line is in close proximity where trains would run until around around midnight, but not 24 hours which the amended proposal more reflects. The Environmental Health Officer considers the amended proposal to be acceptable and accordingly it is considered that the application as amended is acceptable.

Recommendation

APPROVE for the reason:-

The proposed development, as amended, 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.

Subject to Conditions:-

1. Standard 3 year time limit
2. The hours of trading for the store shall be between 6am to midnight Monday to Saturday and 10am to 4pm on Sunday and deliveries shall only take place between 4pm and 9pm Monday to Sunday inclusive
3. Permission relates to approved plans

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

Case Officer: Gary Peck Date: 31 December 2013

Authorised by: [redacted] Date: 6/1/14.