Expiry Date – 27/7, ppa to 14/8

Development Control – Delegated Officer Report

Application Number: AWDM/0776/20 Recommendation – Grant

Site: 20 North Road, Lancing

Proposal: **Change of use from shop (Use Class A1) to restaurant and takeaway (Use Class A3/A5) including extraction flue to rear (east) elevation.**

Neighbours checked: Y

Additional neighbour notifications: N

Date of Site Visit: 6/7/20

Site and Surroundings

This application relates to an end of terrace retail unit on the east side of North Road very close to the train station. It is two storeys with separate residential over. Last used as a hardware store it is currently vacant and in the process of being converted to the proposed use. In the terrace to the south is a sandwich bar and beyond that a double fronted restaurant. To the north is Meadow Lane, which serves houses to the rear, beyond which is a vacant bank building.

The site is within Lancing town centre in a primary frontage, block 2.

It is not in a conservation area and nor is it listed.

Proposal

Planning permission is sought for a mixed A3/A5 use, restaurant and take away. A flue on the rear elevation is also proposed. Hours of use are 10.30am to 10pm Monday to Saturday and 11am until 9pm on Sundays and Bank Holidays.

Relevant Planning History

AWDM/0925 - 2no. externally illuminated fascia signs and 1no. internally illuminated projecting sign. Pending

AWDM/0851/20 - Installation of new shopfront with bi fold doors. Pending

ADC/0268/09 - Change of use from retail shop to over 18's gaming centre (amusement arcade). Refused 19.8.09

L/117/99 - Change Of Use From Estate Agents To Bookmakers Offices (Removal Of Condition 2 Of L/123/81). Granted 3.9.99

L/189/81 - Internally-Illuminated Fascia Sign With Integral Projecting Box Sign. Granted

L/166/81 - New Shop Front And Alterations. Granted

L/123/81 - Change Of Use From Retail Shop To Estate Agents. Granted.

Consultations

Environmental Health:

'The Extraction system identified for these premises is labelled 20-22 Portland Rd. So it does not appear to relate to the correct premises. This needs to be clarified.

It is not clear if residential is situated on the first floor, if so then enhanced sound insulation will be needed.

So, whilst having no objections to the proposal I recommend the following are attached to any permission granted in order to protect residential amenity.

1. *The use hereby permitted shall not be carried on unless and until details of a suitable system for the extraction and disposal of cooking odours (including details of the extract fans, filters, fan units and ducting together with method of noise abatement, as well as details of grease traps and extraction hoods) has been submitted to and approved in writing by the Local Planning Authority. The equipment approved under this condition shall be installed before the use hereby permitted commences and thereafter shall be maintained in accordance with the manufacturer's instructions.*

2. *No plant or equipment, including the kitchen ventilation and extraction system, shall be operated on the premises except between the hours stipulated in condition ... [hours of opening] of this permission*

In addition if residential is situated on the first floor then the following should be attached.

3. *The use hereby permitted shall not commence unless and until an insulation scheme for protecting the upper floor residential unit from noise has been submitted to and approved by the local planning authority. The scheme shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB) for all floors. Following approval and implementation of the scheme, a test shall be undertaken to demonstrate that the attenuation measures carried out as part of the approved scheme are effective and achieve the specified criteria. The use of the development shall not commence until test results demonstrating the minimum sound insulation criteria has been achieved, have been submitted to and approved by the local planning authority.'*

Highways:

'Summary
This proposal is for the change of use from Shop (A1 Use) to Restaurant/Takeaway (A3/A5 Use), including extraction flue to rear elevation. The site is located on North Road, a C-classified road subject to a speed restriction of 30 mph in this location.

Content
No vehicular access is associated with this site. An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents attributed to road layout within the vicinity of the site. Therefore, there is no evidence to suggest the nearby road network is operating unsafely or that the proposed change of use would exacerbate an existing safety concern.

The applicant proposes a nil car parking provision, which is the existing arrangement. Under WSCC Parking Standards for A3/A5 uses, one parking space may be provided per 5sqm of public area and two spaces per bar for staff. As such, the LHA would expect a provision of 6-7 parking spaces for this proposal. Consequently, vehicular parking would have to be accommodated on-street.

Whilst on-street parking is limited in the vicinity, there are comprehensive parking restrictions in place prohibiting vehicles from parking in places that would be a detriment to highway safety. The LHA does not anticipate that highway safety would be detrimentally affected by the nil car parking provision. The planning authority may wish to consider the potential impacts on on-street parking from an amenity point of view.

The LHA appreciates that the site is situated in a sustainable location within close to public transport links, such as buses and Lancing Train Station.

The applicant has not demonstrated cycle parking provision. Under WSCC parking standards for A3/A5 uses, the LHA would expect a provision of one space per four staff and one space per 25sqm for customers. The inclusion of cycle parking helps promote the use of sustainable alternative modes of transport to the private car. If the planning authority believes cycle parking is justifiable, the applicant should demonstrate this in the form of covered and lockable storage.

Conclusion
The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.'

Southern Water

Southern Water requires a formal application for a connection to the foul and surface water sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link:
southernwater.co.uk/developing-building/connection-charging-arrangements

The disposal of surface water from this development shall follow the hierarchy within Part H3 of Building Regulations:
a) An adequate soakaway or some other adequate infiltration system.
b) A water course.
c) Where neither of the above is practicable: a sewer.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.
For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).
Website: southernwater.co.uk or by email at: developerservices@southernwater.co.uk

Lancing Parish Council: No objection.

Representations

1 received stating that works were already started.

Relevant Planning Policies and Guidance

The National Planning Policy Framework 2019
Adur Local Plan 2017 Policies 1, 2 , 9, 15, 27 and 34.

Planning Assessment

Principle

The principle of development can be supported as it makes use of a vacant retail shop in Lancing town centre. For consideration are the impacts of the proposal on local shopping policy, neighbours and the highway network.

Shopping policy

Policy 9 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'*

Any other uses will be resisted.

Policy 27: states that:

'Within the defined town centre boundaries of Shoreham-by-Sea, Southwick and Lancing (as shown on the Policies Map), town centre uses will be permitted, subject to compliance with other relevant policies.

Development within the primary and secondary shopping frontages will need to be in accordance with the place based policies in Part Three of this Plan.'

The proposal is for a sit down A3 restaurant and the floor plan shows seating for 18. This is compliant with policies 9 and 27. In addition the proposal also includes a take away counter which, strictly speaking, is contrary to these policies.

It is considered that a take away use alongside a restaurant use, in this location, would not be harmful to local shopping policy or this local parade.

Neighbour amenity

There are flats above this terrace and a new flue is proposed on the rear elevation. Environmental Health requires further detail of this flue prior to the use commencing. They also require improved acoustic insulation between the ground and first floor residential use. The applicant has agreed to these pre-commencement conditions.

Highways

No highways objection is raised to this proposal. There is a parking bay outside the site and elsewhere in North Road. Parking restrictions apply otherwise. No highway amenity issues are expected.

Recommendation APPROVE subject to the following conditions:

1. Approved Plans
2. 3 years
3. Details of ventilation equipment
4. Details of sound insulation
5. Hours of use
6. Approved ventilation equipment in use only during opening hours.

Informative

1. 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 may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. SW sewer connection.
3. Sui generis use, pp required for either a pure A3 or pure A5 use.

Is recommendation contrary to any representations? No.

Case Officer signed:	MOK	Date: 11.8.20
Authorised and signed by:	Peter Barnett	Date: 11 August 2020