Development Management - Delegated Officer Report

Application Number: AWDM/0889/24 Recommendation – Grant

Site: 155 South Street, Lancing

Proposal: Change of use from Use Class E (retail) to 'Sui generis' Takeaway with seating, extractor flue to rear.

Date of site visit: 24/7

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

This application relates to a mid terrace commercial unit on the east side of South Street close to the roundabout with Brighton Road at Lancing Green. The unit is currently vacant but street view indicates it was last in use as a retail showroom for recliner chairs together with the unit to the north, No.153.

The unit has a single storey rear extension which opens on to a small rear yard. This abuts, to the south, the patio garden and entrance to a flat above No. 157. There is a separate flat above 155 and 153 and a rear ground floor flat at 153 which extends beyond the depth of the rear addition on site and has a very small patio area behind the yard on site.

No. 153 has reopened as a sandwich bar/coffee shop. No. 157 is a retail shop.

The site is not in a conservation area and nor is it a listed building. The parade in which it sits is designated in the Local Plan as a secondary retail frontage in block 6 of Lancing Town centre.

Permission is sought to convert the unit into a takeaway/restaurant. The plans show seating for 8 people at 4 tables as well as a take away counter. The application has been revised to extend a flue up the main rear wall of the building between first floor windows truncating 1 metre above the roofline.

Relevant Planning History

L/54/81 – Retrospective application for storage shed at rear. Granted

L/240/80 – Internally illuminated fascia sign. Granted

L/178/80 - Change of use of Cafe to include Hot Food Take-Away sales. Granted

Consultations

Environmental Health:

'I am happy with the amended plans and please see my updated comments below:

An Odour Risk assessment was submitted in support of the application AWDM/0889/24. All works are to be undertaken in line with those outlined within the report in regards to the extraction system/filters and dwell time. The ducting work is to be configured and installed in line with the plans on the document titled PL2. All duct work should be fitted on anti-vibration mounts.'

Private Sector Housing:

The rear yard is shared with 153a.
There is no rear access for bins and the layout will not allow for bins to be pulled through the shop on collection day. Therefore, bins will be stored on the pavement.
Water pressure to the flats may suffer.
These properties are insubstantially built a noise mitigation scheme may be necessary to protect the first floor occupier from noise.

Highways: No objection.

WSP: No objection.

Southern Water: No objection.

Lancing Parish Council: Supports the application but notes the comments of the neighbour.

Representations

Neighbour in the flat above comments:

I'm not objecting but I do have concerns:

1. The coffee shop at 153 can be smelt within my flat above, so I would like to see a reasonable attempt to seal the ceiling of 155 to avoid the smell entering the flat above through the floor,
2. The extraction planned for the rear of the property is under a bedroom window can this be extended to vent above the entire property?

Neighbour Flat 1, 159 South Street comments:

1. The flue on the ground floor flat roof adjacent to my bedroom window and patio garden will lead to odour and noise problems.
2. It is also on a wooden addition above many electrical appliances and a potential fire risk.
3. I already have noise from fan units at the shop below.

Occupier of 153a comments:

1. This is very close to my flat. Evening trade will be disturbing.
2. The shed which is attached to the shop was given permission for storage. The fact that it is intended to house the fridge and dishwasher will not only result in noise but is also a fire hazard.
3. The red edge is incorrectly drawn.
4. The space beneath the first floor windows for the flue is less than shown. These windows are fire escape and cannot be obstructed.
5. No reference in the application to fire safety measures, sprinklers etc. These buildings have flat timber roofs if one catches fire the whole terrace could go.
6. If the only ventilation is via the back door then noise and odours will disturb neighbours.
7. I suffer from allergens in Indian food which can cause asthma attacks and painful sore eyes. This needs to be considered.
8. Water pressure to 153a will suffer as the supply is shared with the proposed business and the flat above 155.
9. The rear yard is not big enough to store waste. This means it will be stored on the pavement.
10. If bins are stored in the yard this will lead to flies and smell and affect the quality of life and mental health of neighbours.

Relevant Planning Policies

Adur Local Plan 2017 Policies 9,15, 27 and 34
National Planning Policy Framework (December 2023)
WSCC Guidance on Parking at New Developments (Sept 2020).

Planning Assessment

Principle

Policy 9 of the Local Plan states:

'Within the secondary frontages of blocks 4, 5 and 6 a more flexible approach to change of use will be taken providing that such changes do not conflict with other policies in this Plan or the Lancing Vision.'

Policy 27 states:

'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 change of use to a restaurant/takeaway is in principle an acceptable use within this secondary shopping parade of Lancing town centre.

The relevant issues are the effects on the amenities of neighbouring residential occupiers, the effect on the character and appearance of the surrounding area and refuse arrangements.

A restaurant use alone would not need permission under Class E of the Use Classes Order.

Residential amenity

The restaurant element of this proposal falls within Class E of the Use Classes Order and therefore would not in itself require planning permission.

The plans show that cooking is to take place in the main shop area with food preparation and washing up etc. in the single storey rear extension. This extension already has a sink and counter etc. The revised plans show the flue repositioned so that it extends up the first floor rear wall between the windows and truncates 1 1 metre above the flat roof. Advice is that this will ensure kitchen cooking odours are sufficiently dispersed to avoid any significant harm to residential neighbours. A condition requiring anti vibration mounts for the flue is recommended. In terms of the extraction system a report detailing the intended types of filters and dwell time has been submitted and these details are acceptable to officers in Health.

A further condition is recommended to require an acoustic upgrade of the ceiling to protect the occupier of the first floor flat from noise. These details are reserved by the condition for further consideration.

Given the proximity of neighbours a limit on the opening hours is recommended with closing time being no later than 10pm Monday to Saturdays and 9pm on Sundays and Bank Holidays,

Visual amenity

The flue is at the rear of the building and entirely compatible in this commercial parade. No changes are proposed to the shopfront.

Refuse

There is a small yard at the rear of the kitchen preparation area where refuse can be stored in a couple of domestic size bins. This will allow for collection from the frontage on collection day only. This is a condition of this permission.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. Details of acoustic upgrade

4. Hours of operation 8.00 to 10.00 pm on Mondays to Saturdays inclusive and 9.00 am to 9.00pm on Sundays and Bank Holidays.
5. Commercial waste shall be stored in bins in the rear yard and only put out on the pavement on the day of collection.

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

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:	MOK	Date: 25/09/24
Authorised by:	Peter Barnett	Date: 25 September 2024