Expires 11/9/07.

Development Control – Delegated Officer Report

Application Number: ADC/0411/07 **Recommendation – Refuse Application**

Site: **The Smugglers West Street Sompting Lancing**

Proposal: **Addition of takeaway use to existing restaurant**

The Application

The application site is The Smugglers restaurant located on the north side of West Street, Sompting and within the Conservation Area. The restaurant has recently received planning permission under ADC/0061/07 to extend to the rear to allow for additional seated accommodation.
This application seeks permission to add an A5 Hot Food Takeaway Use Class to its existing A3 Restaurant permission. In order to facilitate this additional service the applicants state that they will be providing a home delivery option as well as a pick-up table within the main entrance. The application does not state intended hours of operation.

Consultations and Representations

Consultations/Comments

Chief Environmental Health Officer	Object on the grounds of protecting public amenity from increased disturbance caused by additional traffic at the site. If approved the hours of operation should be restricted to 12.00-22.30 Mon-Sat and 12.00-22.00 Sun and Bank Holidays.
WSCC- Highways & Transport	Object on grounds of highway safety. Would not be supportive of a use that would result in additional parking along West Street, albeit short term, due to potential obstruction to the free flow of traffic and resultant hazard.

Third Parties

Five letters of Objection from the residents of West Street, Sompting have been received along with a petition signed by seven other local residents. The main reasons for Objection are:-

- Increased on-street parking and subsequent highway safety concerns due to lack of space on West Street and within The Smugglers capable of catering for both restaurant and take-away customers.
- Noise and nuisance created by increased vehicular activity at the site.
- Noise, litter and disturbance from customers.
- Loss of privacy and late night disturbance to local residents.

[NB. The resident of The Vicarage, West Street has requested to speak at the Committee meeting]

Contributors

No representations have been received.

Relevant Planning Policies and Guidance

Adopted Adur District Local Plan 1993-2006 (ADC 1996): AB3, AT12, AT13, AE16
Adopted West Sussex Structure Plan 2001-2016 (WSCC 2005): CH4, DEV4, DEV5
PPS1 'Delivering Sustainable Development'
PPG24 'Planning and Noise'

Planning Assessment

The main planning concerns with this application surround the impact of the proposed A5 Takeaway use on highway safety and residential amenity.

Structure Plan policy CH4 requires that development should not be permitted unless conservation areas will be preserved and, where possible, enhanced. Policy DEV4-5 requires development to meet the travel needs it generates, with a level of parking compatible with the need to avoid environmental or safety problems. This corresponds with Local Plan policies AT12-13 which requires development to safely cater for additional traffic whilst not reducing

safety or worsening traffic conditions materially for existing highway users.
Additionally, Local Plan policy AB3 state that permission will not be granted for development that will generate a level of traffic flow or other activity that is likely to adversely affect the character of a Conservation Area. Policy AE16 will, however permit alterations and improvements to existing business premises providing that they are acceptable under policy AT12 and do not have significant adverse effects on the amenity of nearby residents. This is reinforced by PPG24 'Planning and Noise' (Annex 3, para 20) which states that fast food activity often peaks at late hours and the attendant problems of noise made by customers in the vicinity should not be underestimated.

Highway Safety

WSCC Highways have raised concern over the current parking limitations of West Street. Currently it is traffic calmed due to its use by through traffic seeking to avoid queues along the A27. On-street parking consists of bays mainly used by local residents and patrons of nearby public houses and is very limited directly outside of The Smugglers. The current car park to the rear of the restaurant caters for a maximum of 11 vehicles only compared to the maximum of 29 as recommended by the adopted Revised West Sussex Parking standards. This low level of onsite parking was deemed acceptable by WSCC Highways for the expanded restaurant due to the good standard of local public transport. It was not considered that the expanded restaurant would significantly impact on on-street parking.
WSCC Highways have stated that they would not be supportive of a use that would result in additional parking along West Street due to the potential obstruction that would result to the free flow of traffic and the subsequent hazard this would pose.
The proposed additional takeaway use will undoubtedly result in additional traffic to and from the site which will need to stop on West Street when the car park is full. Given that the current onsite parking capacity is already significantly lower than recommended it is inevitable that overflow will occur onto West Street. This would undoubtedly cause an obstruction to other traffic passing through the village as this section of road is very narrow with narrow pavements and 'give way' traffic signs. The potential hazard to cars and pedestrians will therefore be significantly increased.

Residential Amenity

The Smugglers is closely bounded by residential units, all of whom will be impacted by increased traffic to and from the site.
Environmental Health raise Objection to the proposal citing an increase in community disturbance through increased traffic, door

slamming etc as reason. Customers picking up orders by foot will also cause additional noise and litter disturbance to the area which, allied to the traffic concerns, will be detrimental to the Conservation Area, contradicting policy AB3.

The concerns of local residents, raised in a number of objections and a petition, all state concern over the increased traffic that will be generated by an A5 usage. They also are concerned by the degree of additional noise and general disturbance that will be resultant. It is agreed that the additional traffic and noise generated by this proposal will be of detriment to the local amenity, the Conservation Area, and general highway safety thus conflicting with policies AB3, AT12-13 and AE16 of the Local Plan, and CH4 and DEV4-5 of the Structure Plan.

Recommendation

REFUSE on ground that :-

1. B6AR
2. 7AR

CJ 3.9.07

Case Officer:.....

Date:29/8/07.....