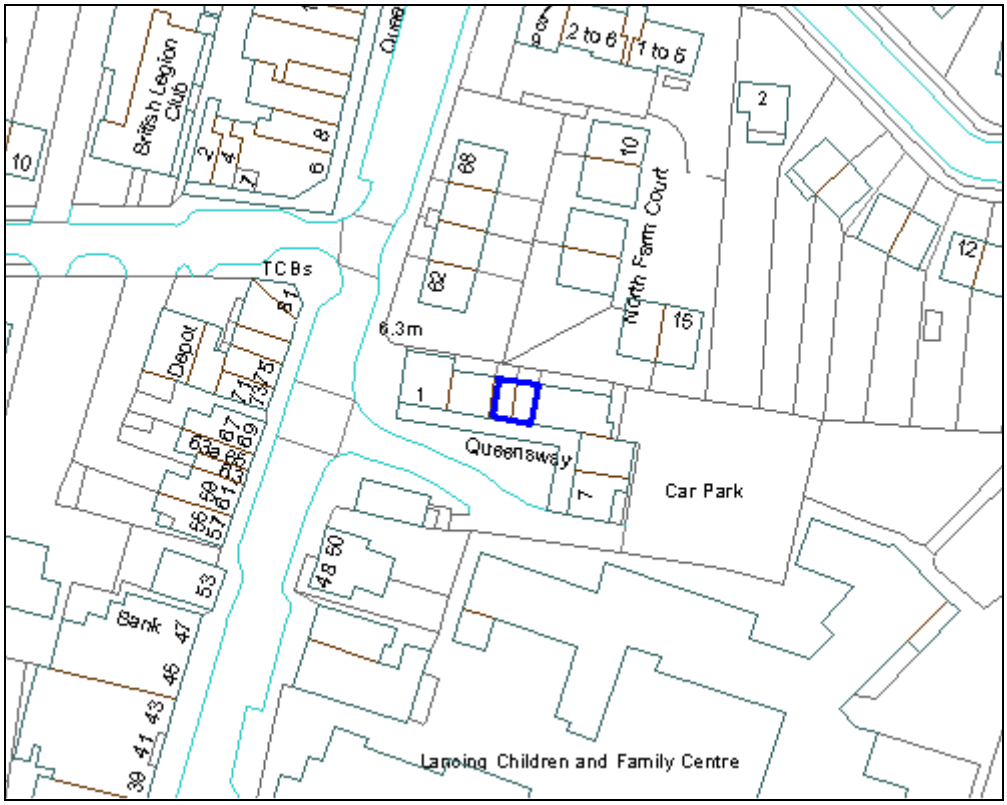
Application Number: AWDM/0616/12 Recommendation – Approve

Site: 3 Queensway, North Road, Lancing

Proposal: Variation of condition 2 of planning permission AWDM/0220/12 to allow sliding doors to remain open until 9pm daily (to be kept closed between 9pm and 8.30am daily other than when required for access)

Applicant: Mr John Chapman Ward: Mash Barn
Case Officer: Rebekah Smith



Not to Scale

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Proposal, Site and Surroundings

The site comprises a café at ground floor with residential flats above which are built out over an overhanging canopy area creating an undercroft walkway in front of the café and neighbouring commercial properties. There is a mix of shopfront designs along the shopping parade.

Permission was granted earlier this year for the installation of sliding doors to replace the existing shopfront (AWDM/0220/12 refers). That proposal was for six powder coated black aluminium doors to be installed, with a concertina design, allowing the doors to be opened out from the centre of the shopfront and stored at each side when fully open. Condition 2 of the planning permission restricted the hours that the doors could remain fully open, to

ensure that they are kept closed between 6pm and 8.30am daily in order to protect residential amenity.

Permission is now sought to vary condition 2 of AWDM/0220/12 so that the doors can remain open until 9pm daily.

Relevant Planning History

The use of the café is restricted to opening between 8.30am to 10.30pm with all activity ceasing by 11pm daily (planning permission L/68/02/TP refers)

There is planning permission for the use of the covered footway for three tables and twelve chairs (L/86/86/TP refers)

Consultations

The ***Environmental Health Officer*** has commented that condition 2 ensures that internal noise does not add to any external noise evening trade will generate. Shutting doors is a reasonably practical step any business can take to minimise the disturbance they may cause to their neighbours. However, the Environmental Health Officer has given the application further consideration and considers that 7pm would be a reasonable time for the doors to be shut as this is the time that small children are often put to bed. The Environmental Health Officer points out that the windows of two flats are visible from the undercroft walkway and are approximately 8 metres from the shop front and outside seating area.

The Environmental Health Officer refers to the following British Standard; this is based on World Health Organisation guidelines for community noise.

British Standard 8233 Indoor Noise Levels

Room	**Good**	**Reasonable**
Living Room	30 dB LAeq,T	40 dB LAeq,T
Bedroom	30 dB LAeq,T	35 dB LAeq,T & 45 dB LAmax,F

As a minimum requirement the Environmental Health Officer expects the reasonable level to be achieved in habitable rooms in the dwellings above the Café/Bistro. However, because of the proximity of the outside seating, customer noise is likely to cause exceedances in these levels without an acoustic scheme to protect the dwellings from the noise, i.e. the dwellings are given an alternative means of ventilation in order that windows can be kept closed. This is clearly outside the scope of this application but the point is to demonstrate that the proposed evening use of the premises already has the potential to create noise complaints and the situation can be worsened by adding to it through allowing doors to be left open up to 9pm.

The ***Economic Development Officer*** has commented as follows:

The commercial property is located within Queensway Parade, Lancing which is in the heart of Lancing Village and has been highlighted within the recent Lancing Vision document. Please see the link below to this vision:

http://www.adur.gov.uk/regeneration/lancing-vision.htm

Economic Development has been working closely with the applicant to encourage investment within Queensway Parade to uplift this area, encourage take-up of the surrounding vacant units and to create a cafe culture, which has been recommended within the Lancing Vision document above. On page 15 of the Vision it states:

'More high quality cafes and restaurants should be encouraged, with outdoor seating space on the streets and to animate Lancing in the evenings'.

To effectively create a bistro atmosphere with linkage to the outside seating, the applicant will need have the option to leave the doors open until 9pm, to fully service the 12 outside covers. Without this permission the applicant has stated that the proposed new shop front will not be viable.

Economic Development strongly supports this application as it is in line with the Lancing Vision and is key to encouraging the regeneration of this area.

Representations

None received to date.

Relevant Planning Policies and Guidance

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AB20
Design Bulletin No. 2: Shopfronts
South East Plan (GOSE 2009): CC1, CC6, BE1
National Planning Policy Framework (CLG 2012)

Planning Assessment

The appearance of the sliding doors was considered acceptable under planning permission AWDM/0220/12. Therefore the determining issue relates to the impact on residential amenity as a result of the doors remaining open until 9pm as requested.

The use of the sliding doors would allow the shopfront to be fully opening which could give rise to additional noise and disturbance for neighbouring residents. Allowing the doors to remain open until 6pm was considered an appropriate control recommended by the Environmental Health Officer to protect residential amenity for the previous application. The Environmental Health Officer has outlined why 7pm is a reasonable compromise.

There are other nearby uses that would add to the evening activity – there is a takeaway at No.8 Queensway where permission was granted for an A3 use (L/179/02/TP refers) with opening hours from 7am to 11pm and a restaurant and takeaway has recently been granted planning permission at Nos. 5-7 with opening hours to 10pm (AWDM/0229/11 & AWDM/0524/11). Although there are similar uses with opening hours into the evening, these have a conventional shopfront design and so although they may generate additional external activity, the internal noise would not pose any significant threat to residential amenity. There is greater potential for noise disturbance from fully opening doors. However no objections have been received from nearby residents to the variation to allow the doors to remain open until 9pm at the time of writing.

The café is currently restricted to opening only between 8.30am and 10.30pm with all activity ceasing by 11pm and this would remain unchanged. There is no alcohol licence currently granted for the premises. Although there is permission for outside seating within the walkway outside the premises (3 tables, 12 chairs) this pre-dates the existence of the first floor flats and the Environmental Health Officer considers that the existing outdoor seating would cause internal noise levels within the flats to exceed the British Standard 'reasonable' level outlined in the consultation above. The concern is that allowing the doors to remain fully opened until 9pm would further compound the potential for noise disturbance.

Whilst, the concerns of Environmental Health Officers about potential noise nuisance are understood, the risk has to be balanced by other factors. In particular, it is important to consider the background of the emerging 'Lancing Vision' and the support of the Economic Development Officer. The Lancing Vision identifies Queensway as being within the 'Village heart' and refers to encouraging high quality cafes and restaurants 'with outdoor seating space on the streets and to animate Lancing in the evenings'. This document has been the subject of public consultation and if adopted by the Joint Strategic Committee on 26 July 2012 the intention is to incorporate the policy elements into the Local Plan. It is also highly relevant that no objections have been received by adjoining residents.

Recommendation

In the circumstances it is considered that a later opening time could be justified notwithstanding the reservations of Environmental Health Officers. One option would be to consider a temporary permission to assess whether there are any noise issues, however, this would not give the certainty to the applicant to invest in the new doors. Other controls which might be imposed to reduce the potential for noise outbreak have been considered such as no amplified music and a possible personal permission, however, it is not considered that these would be reasonable or effectively control the use of the premises in the future. It should be noted that if the operator of this Café changed in the future and noise from the Café became a significant issue there is separate legislation under the Environmental Protection Act (EPA) which could be used to address specific noise issues.

It is recommended that planning permission be granted subject to the variation of condition 2 of planning permission AWDM/0220/12 as follows:-

1. All other conditions under planning permission AWDM/0220/12 still apply;

excepting that the variation of condition 2 of AWDM/0220/12 is as follows:-

2. Other than when required for access, the sliding doors shall be kept closed between 9pm and 8.30 am daily.

25th June 2012