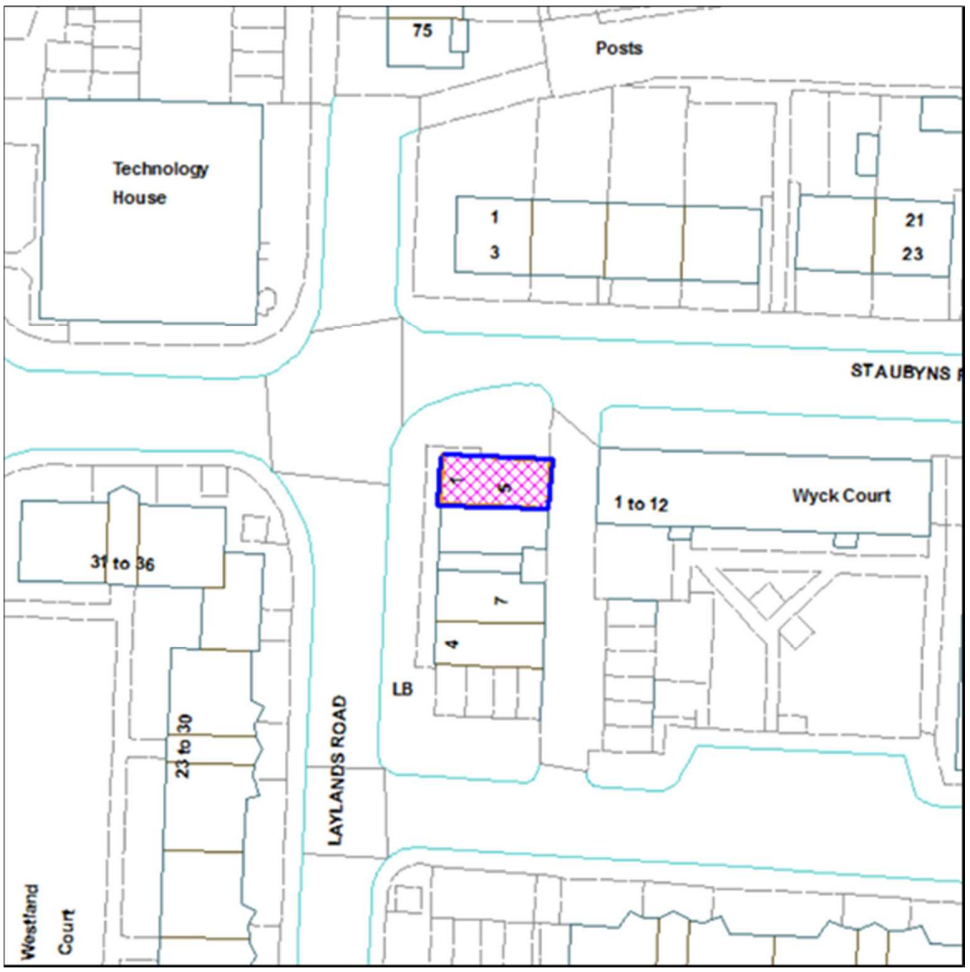
Application Number:	**AWDM/1444/20**	**Recommendation - Approve**
Site:	**1 Laylands Road, Fishersgate**	
Proposal:	**Change of Use from Home Meals Service to mixed use of restaurant and takeaway (Class E and Sui Generis). External flue to the rear elevatio with increased side and rear parapet heights to existing single storey rear projection.**	
Applicant:	Mr K Aslan	Ward: Eastbrook
Agent:	Ada Group	
Case Officer:	M O'Keeffe	



Not to Scale

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Proposal, Site and Surroundings

This application relates to the ground floor of a 3 storey purpose built block of shops with flats over on the east side of Laylands Road and junction of St Aubyns Road in the heart of Fishersgate. There is a service road at the rear and the flats over have central front and rear entrances. The flank wall of a separate block of flats is the other side of the service road.

This is a council owned building falling within the Adur Homes remit. It was formally used as a preparation site for a home meals service to the elderly with hours restricted to no later than 6pm. No meals were served on the premises. This permission was also personal to the applicant. Empty for a long while the unit has recently reopened as a takeaway café, though this is not the use applied for in this application.

The adjoining shop is a charity shop and there is a double fronted grocery store further south. It sits within a local shopping parade and within the Shoreham Harbour Regeneration Area.

The site is not in a conservation area.

Planning permission is sought to use the site as a pizza restaurant with take away. 19 covers are shown on the floorplan. A new flue, replacing a smaller older flue is shown on the rear elevation in a re-sited position on the revised plan.

Relevant Planning History

95/81 – Change of use of premises to home meals service, café/restaurant and 'take-away'. Refused 18.11.81

86/81 – change of use of premises for home meals service for the elderly and infirm. Granted 3.11.81

Consultations

West Sussex County Council:

Highways: 'It's noted that the site lacks any dedicated parking areas. As such, customers would be reliant on existing on-street provision. Whilst the proposal may lead to increased demands at certain times of the day, there are enforceable waiting restrictions in place to ensure that parking cannot take place in unsafe locations. The Local Planning Authority may wish to consider the amenity impacts associated with any increase in parking.

No highway objection would be raised.'

Environmental Health*:*

No objection. Revised ventilation scheme better.

Estates:

This is a council owned building falling within the Adur Homes remit. We manage the commercial lease for the property and I can advise that it is leased and not empty. A recent change in tenant resulted in the property being refurbished for a new use (from a sandwich delivery service to pizza preparation and delivery service).'

Representations:

1 objection received from the flat above as follows:

This block is currently undergoing fire regulation updates to make it safer. A take-away is a fire safety hazard in itself.

The take-away would be below two bedrooms resulting in noise disturbance and smells.

The flue is outside a bedroom window leading to noise and smell nuisances.

The proposed raised parapet would obstruct a fire exit for the flats over.

The unit is a café now with appropriate opening hours and noise levels for a residential/commercial area. A takeaway will increase the hours of use and subsequent noise, smell, litter and people loitering.

A more appropriate location should be found.

Relevant Planning Policies and Guidance

Adur Local Plan 2017:

Policy 2: Spatial Strategy Policy 8: Shoreham Harbour Regeneration Area 15: Quality of the Built Environment and Public Realm Policy 27: Retail, Town Centres and Local Parades Policy 34: Pollution and Contamination

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

Principle

The principle of development can be supported as it proposes the re-use of a shop unit in a local shopping parade. For consideration is the impacts of the proposed use on the local shopping parade, neighbours and the highway network.

Shopping Policy:

At the time of the site visit, October 2020, the site was vacant. It has since opened as a take away café, without planning permission. The current application is for a pizza restaurant and take away. The site is within a local shopping parade. Policy 27 reads:

'In the areas designated as local shopping parades, shopping and other town centre uses will be supported at ground floor level but a predominant shopping use (as defined in the Town and Country Planning (Use Classes) Order 1987 as amended) on ground floor premises will be retained. Where proposals would result in there no longer being a predominant shopping use, this will only be acceptable where it can be demonstrated that retail is no longer a viable use in that unit, particularly where it has remained vacant for a long period (normally a minimum of one year) and that reasonable attempts have been made to market it for retail purposes.'

A restaurant with take away is a town centre use and so the proposed use is appropriate in this shopping parade in policy terms. The existing lawful use is not a retail use and so this proposal does not result in the loss of retail. In addition the remaining 3 shop units in this parade are in retail use and so a predominant retail use is retained.

There is no shopping policy objection to this proposal.

Neighbour amenity

This unit has a flat above it over 2 floors, or possibly two flats. There are 4 flats in total over the entire parade.

The revised ventilation details submitted are acceptable to Environmental Health and they have no objection to the proposed use.

As this is a local shopping parade the use is appropriate but it needs to co-exist with the residents who live above without causing nuisance. A pizza restaurant will result in some noise, not least from comings and goings including delivery drivers but from activity within the premises too. It is therefore considered appropriate to limit activity on site and in this particular case the hours of 9am to 11pm are considered to be reasonable opening hours.

The applicant has agreed a pre-commencement condition to upgrade the acoustic separation between the commercial and first floor residential unit as this is not covered under the Building Regulations.

The raised parapet referred to in the application is an increase of 795mm. This will not prevent escape onto the flat roof from the flat above.

Highways

County Highways do not raise any objection to the proposal. There is on street parking available in the area. It is not anticipated that this proposal will result in harm to the local highway network.

Conclusion

It is considered that the proposal accords with Local Plan policy and any impacts can be adequately controlled by condition. The proposal is therefore considered acceptable.

Recommendation

APPROVE Subject to Conditions:-

1. Approved Plans

2. 3 years

3. Ventilation equipment erected prior to first use

4. Hours of use 9am to 11pm

5. Details of sound insulation between ground and first floor

8th March 2021