expires 28/4

Development Control – Delegated Officer Report

Application Number: ADC/0064/10 **Recommendation – Permit Application**

Site: **339 Brighton Road Lancing West Sussex BN15 8JR**

Proposal: **Removal of Condition 4 of permission ADC/0047/08 (restriction of use of former car showroom to display of kitchen and bedroom products) to enable general retail shop use (Class A1) but excluding sale of food**

The Application

339 Brighton Road is a vacant ground floor commercial property, formerly in use briefly as a car showroom, with 2 storeys of flats above. It forms one half of a larger commercial block, the other half of which is also presently vacant. The site fronts the busy A259 and is in a primarily residential area. The building is set back from the frontage and has a forecourt for customer parking. There is a large area of hardstanding to the west, but this lies outside of the application site and is used by the occupants of the flats.

The building in question has extensive glass windows serving the ground floor showroom at the front with a warehouse and loading bay at the rear. Planning permission was granted in 2008 to change the use of the premises to display and sell kitchen, bedroom and associated products (ADC/0047/08). The permission was subject to a condition restricting the use of the premises to the sale of the aforementioned products only as it was considered that a general retail use could lead to potential traffic and amenity problems. That permission was implemented but the business failed and vacated the premises after only a short period of time.

An application to remove the condition to enable general retail use (including the sale of food) was submitted in October 2009 but was eventually withdrawn (ADC/0270/09). This application seeks to remove the condition to enable general retail use but to exclude food sales.

The approved plans for ADC/0047/08 show six customer parking spaces at the front of the building, including a disabled space, with three staff spaces at the rear. The application is for general retail use although the intended occupier is known to be a bathroom showroom business currently in Lancing.

Consultations and Representations

Consultations/Comments

West Sussex County Council – The Transport Planning Officer states that a non-food retail use in this location is considered to be acceptable given the previous permissions implemented in the past. No anticipated safety implications.

Adur District Council – The Environmental Health Officer states that the application will now accept a condition for non-food retail use and presumably this will reduce the capacity for increased vehicle movements in and around the site with the associated concerns about noise and air quality. However, due to the close proximity of residential properties, including the flats above, he asks that the hours of operation be limited to 0800-2000 hours Mon-Sat and 1000 – 1600 hours on Sun and Bank Holidays in order to protect the residential amenity.

Lancing Parish Council – No objections

Third Parties

No third party representations received

Relevant Planning Policies and Guidance

The South East Plan 2006-2026 (GOSE 2009): TC2, SCT1
Adur District Local Plan 1993 – 2006 (ADC 1996): AG1, AE16
PPS4 'Planning for Sustainable Economic Growth' (DCLG 2009)

Planning Assessment

Policies

The site is located within the built up area of Lancing. The South East Plan policy TC2 refers to town centre development and the need to promote new investment of an appropriate scale, in particular in vulnerable centres in need of regeneration. SCT1 seeks to promote the sustainable economic growth and regeneration of the Sussex Coast.

Policy AE16 of the Adur District Local Plan permits alterations or improvements to existing businesses within residential areas provided there are no significant adverse effects on residential amenities.

PPS4 states that the Government's overarching objective is sustainable economic growth. New economic growth should be focussed in existing

centres with the aim of offering a wide range of services and remedying deficiencies in provision in areas with poor access to facilities. The impact of a proposal on the vitality and viability of the centre must be considered appropriately. Conditions should be imposed to proactively manage the impacts of development, such as limiting the range of goods sold, and controlling the mix of convenience and comparison goods.

Residential amenity

The site was formerly in use as a car showroom and, briefly, as a kitchen showroom. The proposed commercial use is of a similar nature. It is not considered, therefore, that there will be any adverse effect on the amenities of the residents of the occupants in the flats above the site or those in the houses adjacent to the site.

The hours of operation are not specified on the application form but condition 3 of the previous permission restricted working and deliveries to 7am-6pm Mondays to Fridays, 8am-6pm on Saturdays and 10am-4pm on Sundays and Public Holidays. While these hours vary slightly from that now suggested by the Environmental Health Officer, it is considered that the condition will provide sufficient control to ensure that the use does result in any activity or deliveries at unsociable hours.

The nature of the retail use could change in the future without the need for a further application but it is considered that, with food sales excluded, the property is unlikely to be intensively used for retail purposes to the extent that is likely to result in a loss of amenity.

Access and Parking

Adequate parking is shown at the rear of the building for staff and at the front for customers. The County Transport Planning Officer has no highway related concerns.

Recommendation

APPROVE for reason that:-

1PPii (amended) The proposed use of the premises for general retail purposes (excluding the sale of food) would not detract.....

Subject to the following conditions:

1. C1Ci
2. C8Gi
3. C10B – 7.00am to 6.00pm Mondays to Fridays inclusive, 8.00am to 6.00pm on Saturdays and 10.00am to 4.00pm on Sundays and Public Holidays
4. C16Ai (amended) The premises shall be used as a shop within Class A1 of the Schedule to the Town and Country Planning (Use Classes)

(Amendment) Order 2005 (or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification) but shall not be used at any time for the sale of food
Reason: AE16

Case Offic[redacted]..... Date 6/4/10