Development Control – Delegated Officer Report

Application Number: ADC/0062/10 **Recommendation – Permit Application**

Site: **157 South Street Lancing West Sussex BN15 8BD**

Proposal: **Change of use from amusement arcade to Class A3/A5 restaurant/takeaway**

The Application

The application site is currently the Ka$ino Leisure arcade located on the eastern corner of the mini roundabout junction of South Street with Brighton Road, opposite Beach Green. The site was originally an A1 retail unit and in 2004 consent was granted for change of use to A3 food and drink, L/239/04/TP. At this time the premises where vacant and the application was submitted by the owner at the time to facilitate its occupation. This permission was never implemented and in 2005 permission was granted for a change of use from A1 to an amusement arcade, L/105/05/TP. This was a temporary permission and in 2006 a permanent permission was granted, ADC/0143/06.

The current application seeks permission to change the current use of the premises from an amusement arcade to an A3/A5 restaurant takeaway use. The application does not provide any details of the proposed occupier and appears to be speculative. No external changes to the building are proposed and the proposed internal layout remains relatively unchanged with the division of the floor space to provide a kitchen and food preparation area and seating area. The submitted plans show three parking spaces and refuse storage in relation to the premises opposite the site to the south.

Consultations and Representations

Adur District Council: **-** The Environmental Heath Officer has made the following comments – The operations of a restaurant/hot food takeaway has the potential to cause detriment to the amenity of the area through noise, caused by the operation of kitchen equipment and the activities of staff and customers, and odour.

This type of operation would require an extract system complying with the requirements of the 2005 DEFRA 'Guidance on the Odour and Noise from Commercial Kitchen Exhaust Systems' which has a default requirement of discharging at least 1 metre above the roof ridge of any building within 20m. Anything less than this will require varying degrees of odour control measures. I would therefore request details of the ventilation system including measures to mitigates noise, vibration and odour to be approved by the Council prior to the installation and operation of the unit.

In addition due to the close proximity of residential accommodation, I would request that the hours of operation be limited to 0700-2230 hours Sun-Thurs and 0800-2300 hours Fri-Sat for the reason of protecting the residential amenity from late night noise.

Lancing Parish Council: - No objection

Third Parties: - 2 letters of objection have been received, raising the following issues: -

- Lack of parking in relation to the premises resulting in congestion affecting existing buildings and residents.
- Concern that there will be obstruction to the private access 'The Terrace'
- There should be bollards erected to restrict illegal parking on the street corner.

Relevant Planning Policies and Guidance

Adopted Adur District Local Plan 1993-2006 (ADC 1996): AG1, AP7, AS1, AE6,
PPS1 'Delivering Sustainable Development' (ODPM 2004)
PPS6 'Planning for Town Centres' (ODPM 2005)

Planning Assessment

Policies

The site is located on a corner site just within the southern edge of the designated shopping area where Local Plan policies AS1 and AE5-6 seek to protect the viability, character and vitality of the shopping centre. Policy AS1 states that permission will normally be granted for shopping and food and drink purposes falling within use classes A1 and A3 subject to compliance with criteria including no loss of amenity to nearby residents and access and parking regulations. The current use of the site as an amusement arcade was considered acceptable in principle within this locality as it contributed positively to the shopping area.

Residential Amenity

There are residential dwellings above and adjacent to the site and the main concern is how the proposed development will impact on the residential amenities of the occupiers of these properties. With regards to the proposed restaurant/take away use there is potential for the use to be detrimental due to noise, odours and activities of staff and customers.

It is considered that conditions can be attached to safeguard local residents from any adverse impact in relation to the proposed use. Environmental Health has recommended that the hours of operation are restricted to 0700-2230 hours Sunday to Thursday and 0800-2300 Friday to Saturday. Also

recommended is a condition stating that prior to occupation of the premises for the restaurant/takeaway use details of the proposed ventilation system shall be submitted to and approved by the LPA. It is considered that provided these conditions are adhered to that there will be no significant adverse impact on local residents.

Visual Amenity

There are no external changes proposed to the building therefore there will be no adverse impact on the character and appearance of the surrounding locality.

Parking and Access

There have been concerns expressed by local residents in relation to the lack of parking in relation to the premises and possible congestion and illegal parking that may occur as a result of the proposal. Three parking spaces are shown in relation to the premises it is presumed that this space can be used by customers, staff, deliveries etc. The site is however located within a sustainable location within close proximity to public transport links and customers that any future business is likely to serve. Also taking into account the previously permitted uses of this site as a retail unit, amusement arcade and restaurant/café it is not considered that a refusal would be justified on the grounds of additional parking pressure and congestion that may occur as a result of the current change of use.

Recommendation

APPROVE for reason that :-

The use as a restaurant/takeaway is appropriate within this location and can take place without resulting in unacceptable detriment to the amenities of neighbouring properties, the vitality or viability of the shopping centre and highway safety. It would consequently not conflict with the relevant policies of the Adur District Local Plan (AG1, AP7, AS1, AE5-6)

Subject to: -

1. C1Ci
2. C14L (hours of opening restricted to 0800-2230 Sun-Thurs and 0800-2300 Fri-Sat (amended). All servicing of the premises shall cease within half an hour of these closing times.
3. C14O

[redacted]

Case Officer.....[redacted].....Date.....13/4/10.

Planning Services Manager.....Date.....16/4/10.....

Chair of Planning Committee.....Date.....26/04/10