Development Management - Delegated Officer Report

Application Number: AWDM/0256/22 Recommendation – APPROVE

Site: 3 – 4 Queensway, North Road, Lancing, BN15 9AY

Proposal: Retrospective application retention of hot food takeaway (Use Class Sui Generis)

Date of site visit: 24.03.2022 ~ Assessment has been assisted using the Applicants plans; Earthlight mapping; and Google 3D of the site

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings:

The application site is located on the east side of North Road, Lancing, and within a branch offshoot of North Road named 'Queensway'. Queensway provides a small enclave of mainly 2 storey development with commercial on the ground floors and residential over. A public car park is sited directly behind the development to the east.

North Road is also a general commercial area, containing predominantly retail uses, Queensway was formerly predominantly retail, but is now predominantly food related with the following units:-

Unit 1 being 'Truffles bakery', a takeaway bakers and confectioners. Open 0800 – 1600 Monday – Saturdays;

Unit 2 vacant;

Unit 3-4 'Fireaway' designer pizza; Open Mondays – Thursday plus Sundays 1300 – 21.30 and Friday – Saturday 1300 – 22.30;

Unit 5 'The Stanley Ale House'' Open 1200 - 2200 Monday – Saturdays, and Sunday 1200 – 2000;

Unit 6-7 'The Italian Restaurant & Pizzeria O'Curniciello' relating to pizzas etc.; open Mondays to Saturdays 1200 – 2130; &

Unit 8 'The Premier Takeaway' a takeaway relating to kebabs, pizzas, burgers etc. Open 1200 – 22.30 Monday – Thursday, 1400 – 22.30 Friday, 1430 – 2200 Sundays

Proposal:

The application is for retrospective permission for a takeaway pizza within a courtyard of other similar uses in Lancing town centre.

Consultations:

Environmental Health Private Sector Housing: No comment

Environmental Health Pollution:

The applicant has confirmed that the fan is externally mounted and his response suggests that the ducting has not been connected to the wall with anti-vibration mounts. The photo you provided to me indicates there are residential windows in relatively close proximity to the fan and ducting. With no anti-vibration mounts, noise from the fan could easily travel through the structure of the building and negatively impact residential amenity. I would advise the following condition:

Construction work shall not commence unless and until an impact assessment of the noise from the kitchen extraction system on nearby residential properties has been completed and submitted to the local planning authority. The scheme shall have regard to the principles of BS 4142:2014+A1:2019 and shall include a noise mitigation scheme to ensure there is no detrimental impact to the nearest residential dwellings. A test to demonstrate compliance with the scheme shall be undertaken before the use commences. All plant shall be maintained in accordance with manufacturer's guidance and any future plant shall also meet the specified levels within the approved scheme. All plant and duct work shall be fitted on anti-vibration mounts.

The applicant has confirmed they cook only pizza. There is no cooking of chips or burgers, so no deep frying is currently undertaken at the premises. The applicant has not confirmed whether the extract system has any grease filters or odour abatement. Pizza restaurants can give rise to moderate levels of grease and odour. Grease filters are very important in a commercial kitchen to minimise the risk of fire and make cleaning of the extract system and fan more manageable. Given the low level ducting, some odour abatement would be necessary. I also need to consider potential future uses of this site which could include deep frying and chargrilling which could give rise to high levels of grease, smoke and odour.

For the current use, and given the low level of dispersal I would recommend that both grease and odour abatement is required. The applicant should seek advice from a kitchen extraction ventilation specialist. I would recommend the following condition (I have attached the Kitchen and Ventilation guidance document):

The use hereby permitted shall not be carried on unless and until details of a suitable system for the extraction and disposal of cooking odours (including details of the extract fans, filters, fan units and ducting together with method of noise abatement, as well as details of grease traps and extraction hoods) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall have regard to

the guidance contained within Adur and Worthing Councils Kitchen Extraction and Ventilation – Information & Guidance 2019. The equipment approved under this condition shall be installed before the use hereby permitted commences and thereafter shall be maintained in accordance with the manufacturer's instructions.

To prevent a potential future use of this premises which could give rise to higher levels of smoke and odour I would recommend the following condition:

The range of food sold at the premises shall be limited such that any frying of food shall be restricted to shallow frying only and at no time whatsoever shall a deep fat fryer or a chargrill be installed or utilised for the preparation of food at these premises without prior written approval of the Local Planning Authority.

As internal noise from the food premises could negatively impact residential amenity above I would recommend the following condition:

The use hereby permitted shall not commence unless and until an insulation scheme for protecting the upper floor residential unit from noise has been submitted to and approved by the local planning authority. The scheme shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB) for all floors. Following approval and implementation of the scheme, a test shall be undertaken. All works, which form part of the approved scheme, shall be completed before the use commences.

Local Plan Policy:

The site is located within the Primary Shopping Area (Policy 27), town centre block 2; Primary Retail Frontage (Policy 9)

"… Within the primary frontage of Queensway Shopping Precinct, the following uses will be acceptable at ground floor level, subject to compliance with other relevant policies: A1 (shops); A2 (financial and professional services); A3 (food and drink); A4 (drinking establishments); and A5 (hot food takeaways); and appropriate D1 (non-residential institutions) uses where there is a long term vacancy (normally a minimum of 1 year) and reasonable attempts have been made to sell or let the premises for A1 use…"

The policy explicitly refers to hot food takeaways, so I don't believe there is a policy issue.

WSCC Highways

The proposal seeks retrospective change of use and retention of hot food takeaway (Use Class Sui Generis). It is not clear what the prior use class of the site was. However, the site is located within a parade of shops with other retail and food outlets in central location within Lancing.

No dedicated/allocated parking is provided to the site. Any parking demand associated with the takeaway use will need to park safely in accordance with existing traffic regulation orders. The same would have had to be true for the existing use.

Given the principle of the application and taking into consideration the sites location the Local Highways Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (para 111), and that there are no transport grounds to resist the proposal.

Representations:

Lancing Parish Council: No comment

Relevant History:

L/336/78 - Change Of Use From Hot Food Shop To Sandwich Bar
L/55/80 - Conversion Of Two Shops To One Unit For Combined Use As Sandwich Bar, Delicatessen And Hot Food Take Away
L/68/02 - Removal Of Condition 2 Of L/55/80 (To Enable Preparation & Cooking Of Food On Premises & Continued Use As Cafe) (Retrospective)
L/86/86 - Use Of Forecourt For Setting Out Three Tables & 12 Chairs In Connection With Cafe

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policy 1, 15, 27, 34
National Planning Policy Framework 2021

Policy 9: Lancing

"Lancing Vision will be a material consideration in guiding the future development of the village centre.

Links between Lancing village centre and Beach Green will be improved through environmental improvements and improved cycle and pedestrian facilities.

Appropriate retail development and environmental enhancements in Lancing village centre will be supported. The shopping area along North Road will be strengthened through restricting non-retail uses, while allowing a more flexible approach to uses at ground floor level along South Street.

Development within the primary and secondary frontages of Lancing village centre (as shown on the Policies Map) will need to be in accordance with the following:

Within the primary frontages of blocks 1, 2 (excluding Queensway Shopping Precinct) and 3, the following uses will be acceptable at ground floor level, subject to compliance with other relevant policies:

- *A1 (shops)*

• A3 (food and drink) and A4 (drinking establishments) and appropriate D1 (non-residential institutions) uses where there is a long term vacancy (normally a minimum of 1 year) and reasonable attempts have been made to sell or let the premises for A1 use.

Any other uses will be resisted.

Within the primary frontage of Queensway Shopping Precinct, the following uses will be acceptable at ground floor level, subject to compliance with other relevant policies:

• A1 (shops);

• A2 (financial and professional services), A3 (food and drink), A4 (drinking establishments) and A5 (hot food takeaways) and appropriate D1 (non-residential institutions) uses where there is a long term vacancy (normally a minimum of 1 year) and reasonable attempts have been made to sell or let the premises for A1 use.

Within the secondary frontages of blocks 4, 5 and 6 a more flexible approach to change of use will be taken providing that such changes do not conflict with other policies in this Plan or the Lancing Vision.

Lancing Business Park (as shown on the Policies Map) will continue to be protected for business use."

Policy 27: Retail, Town Centres and Local Parades

"Within the defined town centre boundaries of Shoreham-by-Sea, Southwick and Lancing (as shown on the Policies Map), town centre uses will be permitted, subject to compliance with other relevant policies.

Development within the primary and secondary shopping frontages will need to be in accordance with the place based policies in Part Three of this Plan.

New development for town centre uses outside of the defined town centre boundary (or Primary Shopping Area in the case of retail uses) will be assessed in accordance with the NPPF sequential test. An impact assessment will be required for any proposed retail development outside of the Primary Shopping Area with a net sales floorspace of 1000 sq.m or more.

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 in no longer a viable use in that unity, 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."

Policy 34: Pollution and Contamination

“Development should not result in pollution or hazards which prejudice the health and safety of the local community and the environment.

New development in Adur will be located in areas most suitable to the use of that development to avoid risks from noise, air, odour or light pollution.

Mitigation measures will need to be implemented for developments that could increase levels of pollution or have a negative impact on drinking water supplies in Adur. Where there are significant levels of increased pollution that cannot be mitigated, development will be refused.

Where appropriate, air quality assessments and/or noise assessments will be required in conjunction with development proposals.

Investigations and assessments of all sites situated in or in close proximity to potentially contaminated land will be required in relation to relevant development proposals.”

Planning Assessment

Principle

It is considered that the change of use to a takeaway will be an acceptable use within this location which is policy compliant.

The relevant issues are the effects on the amenities of neighbouring residential occupiers and the effect on the character and appearance of the surrounding area.

Visual & Residential Amenity:

The history of the Queensway shows that the uses have been retail and a launderette. Latterly unit 1 has changed from retail to an estate agents (L/36/88). However, a site visit reveals that other than a bakery, the retail uses and the estate agents have gone and that the majority of the uses are now food related, mainly restaurants or takeaways, although unit 5 appears to have been an ale house for some years.

Google maps history clearly identifies that the unit has been a café since 2009, and therefore the existing use extends the food use of the unit.

The proposal is considered to be acceptable subject to a number of conditions as recommended by Environmental Health to protect residential amenity.

Parking and Highway Impact

There is a parking area at the back of the Units, access being gained to the car park between Units 1 -7 and Unit 8, the car park appears to be a pay and display car park. There is no highway objection to the proposal.

Proposed Environmental Health Conditions

The proposed conditions required by Environmental Health are reasonable, but they are based on the use as not yet taking place. The conditions have thereby been amended to require that the works required are undertaken within 3 months from the date of this permission, and that any implementation etc. shall be in place within 3 months from the date of approval of the required scheme(s).

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Noise mitigation scheme
3. Cooking odours
4. Insulation scheme
5. Smoke and odour
6. Opening hours

Informatives:-

1. Approved without amendments

Is recommendation contrary to letter(s) of representation? N

Case Officer: Eve Hearsey Date: 10.05.2022

Authorised by: Peter Barnett Date: 10 May 2022