Application Number: AWDM/0947/16 Recommendation – APPROVE

Site: Broadway Post Office 393 Brighton Road Lancing

Proposal: Change of use from Use Class A1 to Use Class A3/A5 together with installation of extractor flue at rear.

Date of site visit: 12th July 2016

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application relates to a ground floor only of a currently vacant unit within a parade of shops in Lancing. This is an area allocated as a local shopping parade in the Adur District Local Plan. The units comprise of takeaways, a news agent, a tattoo shop, a convenience store and a hair and nail salon.

The unit was formally functioning as a Post Office and the main entrance to the post office was centrally positioned with access from the street. This led to the post office with a front customer and rear staff area. There is a kitchen to the rear of the unit with a store room leading onto a rear yard. There is a small W.C accessed externally. The site is A1 retail as existing.

There is residential accommodation above at first floor with rooms in the roof and a rear first floor projection. This accommodation is accessed via a separate door from street level to the front of the building via internal stairs which are separate to the ground floor unit. This residential accommodation is to remain and does not form any part of the proposal in this case.

Permission is sought for a change of use of the ground-floor to a A3 and A5 use to function as a café in the day and hot food takeaway in the evening. The application gives no details of the precise nature of the proposed use, it is presumed it is speculative. Also forming part of the proposal is the installation of the extractor flue to the rear. Other than the extract there are no external changes proposed to the building the main entrance and shopfront is to remain the same. The hours of use shown on the forms are presented as 07:00 – 00:00 Mon to Sat and 09:00 -23:00 on Sunday and Bank Holidays.

The plans have been amended since the original submission. The proposed internal layout of the frontage of the unit has been adjusted to provide a customer W.C. The proposed floor plan shows a seating area, rear kitchen/counter with storage and preparation area to the rear. The external W.C remains as existing for staff use only.

The original plans also showed a large rear extract protruding from the rear two storey extension. It was considered by officers that despite no Environmental Health objection that this flue was overly large and prominent

and visually detrimental to the character and appearance of the locality and detrimental to the residential amenities of the occupiers of the adjacent dwellings surrounding the site and within the site itself. The applicant has since submitted amended plans which show the reduction of the flue and Environmental Heath have no objection in this case. The full assessment is set out below.

Consultations:

WSCC: The ***Highway*** Authority has raised no objection. Comments that the site is located sustainable being close to residential properties. There are continuous footways leading to the site and immediately adjacent to the site is a signalised pedestrian crossing point.

Previously the application site operated as a Post Office under the A1 usage class, the application is to change the use to an A3/A5 usage with a takeaway/restaurant usage. The site is located centrally to the retail and residential sites within this area of Lancing. There are footways connecting to the site and a signalised pedestrian crossing over the A259. As with the previous A1 usage the application proposal will have a nil car parking provision. Whilst we remain aware that this proposal would have no specific parking provision, based on the similar outlets within a sort walking distance along The Broadway and the previous use of the site, we do not consider there would be any significant changes in traffic movements as a result of this proposal.

In the unlikely event that vehicles where to park on the in an area that could be detrimental to highway safety, this could be dealt with as an offence under Section 22 Road Traffic Act 1988 –(leaving vehicles in a dangerous position on the road including verge) and Section 137 Highways Act 1980 (wilful obstruction of the free passage along a highway.) Both of these acts are enforceable by Sussex Police.

The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. It is not considered that the proposals to change the site from the use of A1 to A3/A5 would give rise to such an impact to be considered severe.

Adur and Worthing Councils: The ***Environmental Health*** Officer originally objected to the lack of customer toilets. Amended plans have since been submitted to their satisfaction. It is advised that hours of use should be from 8am to 11pm. The final comments stated that they can withdraw their objections. There are grease filters and odour abatements in the extract so the new position should be ok so long as the system is maintained. Conditions should be attached.

In addition the following condition should be attached.

“A sound insulation scheme shall be submitted to protect the above residential property from the proposed hot food takeaway and cafe that is to be situated beneath. The scheme shall achieve a minimum airborne sound insulation

value of 50dB (DnTw + Ctr dB). Following implementation of the insulation scheme, a test shall be undertaken to demonstrate that the attenuation measures carried out has achieved the minimum airborne sound insulation criteria. The use of the development shall not commence until test results, demonstrating the minimum sound insulation criteria has been achieved, has been submitted to and approved by the local planning authority."

***Lancing Parish Council**:* No objection

Representations

1 objection is received from the accommodation above 389 Brighton Road. The road in front of the shops will be inadequate to cope with the demand for parking. People who park in front of the parade are normally residents. There is already congestion. The existing smells are disgusting and the new fan will not be guaranteed to be noisy. It would be overwhelming for me to put up with another smell.

Relevant Planning Policies

Saved Local Plan policies (ADC 1996): AG1, AS5,
Proposed Submission Adur Local Plan (2016): 9, 15, 28
National Planning Policy Framework (CLG 2012)
National Planning Practice Guidance
WSCC Parking Standards and Transport Contributions Methodology (2003)

Planning Assessment

Principle

The application premises is subject to saved Local Plan policy AS5 which refers to neighbourhood shopping facilities. This policy states that the Local Authority will seek to retain a predominant shopping use. Non retail uses at ground floor will be treated on their merits and will be assessed in relation to the need for the proposed use compared to the retail use of the particular premises concerned. It is worthy of note that the policy wording pre-dates the sub-division of the former A3 Use Class in 2005 into Class A3 (restaurants and cafes), Class A4 (drinking establishments) and Class A5 (hot food takeaways).

The proposal will result in the loss of A1 retail use and the former Post Office fell within the use class. The site is currently vacant and although its replacement with an A1 use would be preferable it is considered that in the light of the adjacent uses and mix of takeaways, retail and other uses such as tattoo parlour and hair and nail salon that such a proposed use would be acceptable in this case. The café use during the day and takeaway in the evenings would serve the local population and also passing trade due to this site being located on the main coast road between Worthing and Shoreham-By-Sea. It would contribute to the vitality and vibrancy of this existing commercial parade. It could reasonably be argued that policy AS5 is out of date within the context where there should be the resistance of non A1 uses.

Consequently, having regard to the significant weight within the NPPF placed on the need to support economic growth (paragraph 19) it is considered the benefits of re-occupying this vacant unit will outweigh the potential harm resulting from the potential conflict with the existing Local Plan policy.

Residential Amenity

The site is located within a residential area with dwellings surrounding the site as well as being above the parade of commercial properties. Consideration must therefore be given to the impact of the proposed change of use upon the living conditions of the adjacent occupiers particularly the flats above.

The proposed café and takeaway will provide activity that differs from that of a post office. It will be open later into the evening and will involve cooking and a different type of customer. It may be likely to generate more traffic also. All associated activity that has potential to disturb local residents.

Consideration must be given to the nature of the existing uses within this parade. It is commercial and there are other takeaways and alternative commercial uses to retail uses that would only function during the main daytime. Therefore the additional activity created by this use is argued to be in keeping with the existing uses and provided that relevant safeguarding conditions are put in place then there would be no significant harm to the amenities of local residents.

The Environmental Health Officer has advised that hours should be restricted to 8am -11pm. A condition is attached to ensure this. In addition a sound insulation scheme should be in place to protect the amenities of the occupiers above, due to the change in use of the premises.

The application submission is accompanied by details of the proposed extraction and ventilation system, the details of which have been amended since the original submission to take account of officer concerns.

Externally this will consist of a flue that is to the rear of the building attached to the rear single storey projection.

The Environmental Health Officer has raised no concerns in terms of its efficacy in dealing with smells and cooking odours or noise generation. This is subject to conditions ensuring proper maintenance of the equipment.

Visual Amenity

As stated above the site is located within a commercial parade within a residential area. There are no external changes to the building other than the installation of the flue to the rear of the building. The rear of the parade of shops is characteristic of any such secondary space associated with a commercial parade. It is a mixture of additions and extensions, refuse store and rear yards with associated storage and paraphernalia. There are two existing large extract flues serving existing takeaways. Yet the flue originally

proposed here was larger and more prominent and was considered visually detrimental to the dwellings to the rear of the site. It was also considered to impact upon the character of the locality.

The reduced flue although still being visible to the rear is not so significant and more in keeping with the ancillary nature of the rear of this parade.

The proposed extraction equipment will be at the rear of the building and will not have any impact on the main property frontage and street scene.

Parking and Highway Safety

No off street parking is proposed or existing for this parade of shops however there is parking within a secondary road to the front of the parade. A local resident is concerned that this use will increase parking problems within this area. Yet West Sussex County Council has no objections and advise that this would not result in a severe impact that would warrant an objection.

It is not anticipated that the proposal will cause any highway safety or parking concerns that could warrant a refusal in this case.

Recommendation

APPROVE subject to conditions

1. Approved plans
2. Standard 3 year time limit
3. Agree and implement a sound insulation scheme between the premises and the accommodation directly above prior to commencement
4. Hours of use restricted to between 09.00 and 23.00 hrs
5. No external plant other than as shown on the approved plans extract shall be fully maintained.

Informative

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

Case Officer: Hannah Barker Date: 15th August 2016

Authorised by: Jo Morin Date: 15.08.2016