Application Number: AWDM/0617/16 Recommendation – APPROVE

Site: 44 North Road, Lancing

Proposal: Change of use from Use Class A2 (financial) to Use Class A5 (hot food takeaway); new shopfront; installation of ventilation and extraction equipment and associated alterations

Date of site visit: 22 April 2016

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application relates to the ground floor of 44 North Road, a vacant former bank premises (Class A2) in a 2-storey building on the east side of North Road, within the primary shopping area of Lancing. The first-floor is also vacant and was formerly in use as an ancillary office to the ground floor use. A separate application has been submitted for the change of use and conversion/extension of the first floor to form a 2 bed flat (AWDM/0474/16 refers). A further application has been submitted for the construction of a first floor extension above a ground floor extension at the rear of the premises to form a second flat (AWDM/0508/16 refers). Both of those applications have yet to be determined.

Attached to the north side is a betting shop (William Hill). To the south there is vehicular access to a car park at the rear which serves the Lancing Children and Family Centre.

Permission is sought for a change of use of the ground-floor to a hot food take-away (Class A5). The application includes a new aluminium shopfront, signage (subject of a separate application AWDM/0839/16) and new extraction equipment to be located, as amended, on the north side of the ground floor rear extension. The proposed opening hours are between 1100 hrs and 2300 hrs daily.

A Planning Statement submitted in support of the application explains that "*the unit will be occupied by Domino's, the UK's leading pizza delivery company, and will result in the creation of 10 full time and 25 part time jobs*."

Relevant site history

None relating to 44 North Road but planning permission was recently granted for the change of use of 34 North Road from Use Class A2 (professional services) to Use Class A5 (hot food takeaway) (AWDM/0325/16).

Consultations:

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

The previous use as a bank is likely to have resulted in some 'drop in' custom by vehicles especially given the presence of an ATM machine at the front of the property. This would have occurred at most times during the average day.

The immediate vicinity is subject to enforceable waiting restrictions along the carriageway and some demarcated parking spaces along North Road to the front of the site and further to the north. Outside of these times it is not an offence to park on North Street and given the good visibility in both directions it is not considered that parking would be detrimental to highway safety. The carriageway is circa 7.0m in width and provides ample space for another vehicle to pass a parked vehicle. It may result in vehicles having to wait for a few moments while giving way to an oncoming vehicle before pulling out to pass the parked vehicle, however, this is not considered to be a severe impact and be contrary to Paragraph 32 of the NPPF.

In our capacity as local highway authority, we will only comment on parking in respect of highway safety. Matters relating to noise, additional pressure on parking facilities which may result in residents parking further from their properties, impact on character are all matters for the local planning authority to consider.

In the unlikely event that vehicles where to park on the A259, 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 proposed development is forecasted to generate a comparable or lower number of vehicular movements than has been generated historically by the site. These movements will be most likely in the evening period, 1700-2100. During these periods it is anticipated that there will be a small demand for temporary parking outside of the site.

A review of the North Road junction indicates that, while visibility is restricted, there have been no recorded accidents within the last 3 years and that there is no evidence to suggest that the local highway network has been operating in a detrimental way.

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 additional demands arising from the parking of a single vehicle would give rise to such an impact to be considered severe.

Southern Water: An informative is requested advising the applicant that a formal application for connection to the public sewerage system is required.

Adur and Worthing Councils: The ***Environmental Health*** Officer has no objection to the revised location of the extraction equipment. He confirms that he is happy with the proposed kitchen extract and odour abatement and the positioning of the outlets and inlets. He is also happy with the positioning for the plant for the cold room behind the louvres.

The applicant will have to liaise with the applicant for the above flat to ensure the requested condition (below) is met:

"A sound insulation scheme shall be submitted to protect the proposed residential property from the proposed hot food takeaway 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."

I would recommend a condition that the new business closes for customer orders at 11pm each evening and is vacated by 12:00 midnight.

Lancing Parish Council*:* Although Committee was aware that this was yet another hot food take away proposal it considered that this option was perhaps better than an empty premises and that market forces would ultimately determine the commercial longevity of this and similar establishments in Lancing. For these reasons Committee did not raise any formal objections.

Representations

Objection received on behalf of the Lancing Children and Family Centre:

- Car park at rear serves a busy Children and Family Centre and Nursery School.
- Constant access is required between 7.30am and 6.00pm daily.
- Access to car park is already an issue with cars blocking the entrance to the driveway and we fell that this will increase with proposed use
- Emergency vehicles require access at all times.
- North Road is very busy and additional traffic and roadside parking will create further problems and cause a safety hazard

Relevant Planning Policies

Saved Local Plan policies (ADC 1996): AG1, AP7, AS1, AE5, AE6
Proposed Submission Adur Local Plan (2016): 9, 15, 28
Lancing Village Vision (2012)
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 AS1 which allows development for shopping (Class A1) and food and drink purposes (Class A3) subject to there being (amongst other things) no loss of residential accommodation at upper floor, no loss of amenity to nearby residents and providing on-site car parking arrangements are satisfactory. 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). It states that development which involves the loss of existing shopping provision (Use Classes A1 and A3) will not be permitted if the proposal is likely to detract from the character and vitality of the area.

The proposal would not result in the loss of an A1 or A3 use and consequently there is no conflict with the adopted Local Plan policy.

Lancing Village Vision does not form part of the Development Plan or have the status as a Supplementary Planning Document. However, it has been accepted in appeal decisions elsewhere in Lancing as a material consideration in the determination of planning applications, albeit of limited weight. The site is within the area identified as forming the 'Village Heart' where the vision is to strengthen and focus town centre uses (including Classes A1, A2 and A3) to ensure that it becomes 'rich with activity'. The Vision seeks to resist changes of use to hot food takeaways (Class A5) in order to avoid displacing town centre uses that play a vital role in enlivening the 'Village Heart'.

Policy 9 of the Proposed Submission Adur Local Plan (2016) builds on the Lancing Vision and identifies primary and secondary shopping frontages in Lancing town centre with a view to controlling development to ensure that appropriate town centre uses are retained and improved so that the shopping centre continues to meet the needs of residents. The site is located within the identified 'primary frontage' which seeks to resist non retail uses including hot food takeaways (Class A5). This policy approach is consistent with the NPPF (paragraph 23) which states that planning policies should be positive, promote competitive town centre environments and set out policies for the management of growth, including defining the extent of town centres and primary shopping frontages and setting policies that make clear which uses will be permitted in such locations.

However, of particular relevance here is the presumption in favour of sustainable development which the NPPF identifies as the 'golden thread' running through plan-making and decision-making. This means approving development proposals that accord with the development plan without delay and where the development plan is absent, silent or out-of-date, granting permission unless any adverse impact of doing so would significantly and

demonstrably outweigh the benefits when assessed against the policies of the NPPF (paragraph 14).

The proposed development does not conflict with adopted Development Plan policy although it could reasonably be argued that policy AS1 is out-of-date in this context. The former Bank premises have been vacant since October 2015 (8 months). The proposed development would not displace an existing class A1 use. 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 conflict with the emerging Local Plan policy, which at present carries comparatively little weight as a material consideration.

Residential Amenity

Although there are currently no residential occupiers adjoining the site, there is a current proposal to convert the first floor of the application premises to a flat. Consideration must therefore be given to the effect of the proposals on the living conditions of the prospective future occupiers of that flat.

The proposed takeaway use would generate activity throughout the times it is open for business. The busiest time for the home delivery service is likely to be after 1700 hrs. The rear car park is not available for use by customers or staff so activity associated with the use will be restricted to the front of the building and within the street.

Future residents occupying the proposed first-floor flat above the premises will likely be aware of the comings and goings of customers and service delivery personnel and vehicle movements along North Road. However, there is an argument that a degree of activity associated with the operation of a vibrant evening economy is inevitable in a town centre location such as this. The Environmental Health Officer recommends a condition requiring the last customer order to be at 2300 hrs with all activity to cease at the premises by 12 Midnight. He has also recommended that sound insulation measures are included to protect residents from noise arising from the commercial use below.

The application submission is accompanied by details of the proposed extraction and ventilation system, the location of which has been amended since the original submission to take account of Environmental Health concerns. Externally this will consist of an air in-take grille and oven extract sited on the north elevation of the single storey rear extension which runs along the rear of 46 North Road. A small timber-framed enclosure (4m by 1.35m by 1.85m high) is also proposed to be attached to the north elevation to house the cooler and air conditioning units.

The submitted information includes details of extraction fans, odour control and silencers to which the Environmental Health Officer has raised no concerns in terms of its efficacy in dealing with smells and cooking odours or noise generation. There are no residential units close to the proposed

equipment, which has been relocated to protect the amenities of future residents of the proposed first floor flat.

Visual Amenity

The submitted drawings show the existing frontage removed and replaced with a new shopfront. The new shopfront removes an existing recess and brings the frontage forward to be flush with the front wall of the building. The aluminium frame proposed is consistent in appearance with other shopfronts in the vicinity of the site, including that at William Hill next door.

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

Parking and Highway Safety

No off street parking is available for staff or customers. Concern has been raised by the Lancing Children and Family Centre at the potential for the use to obstruct access to their car park. The Highway Authority has been consulted and they do not have any safety concerns. They consider that the proposed development will generate a comparable or lower number of vehicular movements than has been generated historically by the site. These movements will be most likely in the evening period, 1700-2100. During these periods it is anticipated that there will be a small demand for temporary parking outside of the site. However, there is considered to be sufficient capacity within North Road to accommodate traffic associated with the business.

The applicants' agent has advised that one delivery vehicle will be used during the daytime (up to 5pm). She has also advised that "*delivery drivers frequently link their trips, thereby reducing the number of vehicular movements back and forth from the site. During this time, it is noted that time restricted parking bays are located to the front of the unit and on the opposite side of North Road. In addition, there is a Council owned car park (pay and display between 9am and 5pm) within 60 metres of the site. Clearly, it is important to note that the parking associated with a bank or shop is potentially higher during the day than the proposed takeaway use.*

The maximum demand for parking at the Domino's store is likely to be during the evening which coincides with the time that 'on-street' parking restrictions are removed and is outside the peak demand for other retail outlets on North Road, many of which will have closed. Again, delivery drivers frequently link their trips and are often out 'on the road' – reducing parking demand at the store.

Finally, given the site's town centre location, it is relevant to note that the site is accessible by both public transport and on foot. Clearly, this provides convenient access for employees and customers alike."

It is not anticipated that the proposal will cause any highway safety or parking concerns.

Refuse storage

4 wheelie bins are shown being located in the rear yard behind 46 North Road. These are not close to residential properties and are considered to be in an acceptable location.

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 with no customer order taken after 23.00hrs and all activity to cease on the premises by 12 Midnight
5. No external plant other than as shown on the approved plans

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.

2. Southern Water requires a formal application for connection to the public sewerage system.

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

Case Officer: Peter Barnett Date: 21 June 2016

Authorised by: Gary Peck Date: 22 June 2016