Expiry: 14/1

Development Management - Delegated Officer Report

Application Number: AWDM/1381/24 Recommendation – Grant

Site: 84-90 South Street, Lancing

Proposal: Change of use from Class E (retail) to Sui Generis Bottle Shop and Tap room.

Date of site visit: 16/12

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

This application relates to a former shop in the ownership of Gardner and Scardifield on the west side of South Street opposite the junction with Penhill Road. To the south is St Michael and All Angels church which is set back from the road and has a church hall to the rear of the site. To the north is a block of two storey flats.

The shop shares a WC with the café next door which is in the area open to the rear of both shops. Behind this again is an open storage area belonging to Gardner and Scardifield. Above the site is a flat and there is one above the café also. There is a small forecourt area.

The site is within a secondary frontage of block 4 within Lancing town centre. There is no off street parking associated with the site and there are double yellow lines outside it and on the opposite side of the road. There are public parking bays on both sides of the road in close proximity.

It is not in a conservation area and is not a listed building. There are no TPO's on the site.

Permission is sought to use the site as a Tap House bar selling beers and wine for consumption on the premises with take away sales too. The proposed opening hours are Midday to 9.30pm 7 days a week. The rear store is to be formally separated from the site and retained for storage purposes by Gardener and Scardified.

The application has been revised to include the forecourt area where tables and chairs are also proposed and the inclusion of an internal door between the coffee shop and WC area.

Relevant Planning History

L/187/00/TP - Single-Storey Rear Extension To Retail Shop. Granted

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L/181/90 - Change Of Use To Tea Rooms & Sale Of Hot & Cold Snacks. Granted.

L/111/83 - Change Of Use From Cafe/Shop To Hot-Food Takeaway Restaurant. Refused.

Consultations

Highways:

This application seeks the change of use from Class E (Retail) to Sui Generis Bottle Shop and Tap Room. The site is located on South Street, an A-classified road subject to a speed restriction of 30 mph.

No vehicular access is associated with this site, whilst pedestrian access will remain unchanged. The LHA does not anticipate that the proposed change of use would give rise to a significant material intensification of movements to or from the site.

No off-street parking is associated with this site, so car parking would have to be accommodated on-street, as per the existing arrangement. There are parking restrictions present on the nearby roads that prohibit parking in places that would be detrimental to highway safety. The LHA does not anticipate that on-street parking associated with the proposed development would give rise to a highway safety concern or parking capacity issue in this location. Weight is given to the fact the site is situated in a sustainable location that is well accessible on foot or by cycle, and well connected by public transport.

In summary, the LHA does not consider that this 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 National Planning Policy Framework (paragraph 115), and that there are no transport grounds to resist the proposal.

Health:

The acoustic ceiling and sound test details submitted satisfies the insulation condition I suggested in my portal submission.

So the only other conditions were hours of use, hours for construction works and the music condition suggested last week.

For music I recommend the following:

Only unobtrusive recorded background music shall be provided in the premises within the approved hours of operation. For this purpose the music noise level shall not exceed 75dB (LAeq15min) measured anywhere on the premises. Speakers should not be recessed within, or attached to, the ceiling.

Reason: In the interests of residential amenity of the premises above.

'I note the proposed operating times detailed in the application are 12:00 to 21:30 daily. The applicant will need to ensure adjacent residential amenity is

not adversely affected by the daily operation of the business, particularly in the evening.

Any works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times.

Monday - Friday 08:00 - 18:00 Hours
Saturday 09:00 - 13:00 Hours
Sundays and Bank Holidays no work permitted

Any temporary exception to these working hours shall be agreed in writing by the Local Planning Authority at least five days in advance of works commencing. The contractor shall notify the local residents in writing at least three days before any such works.

Finally the aforementioned hours of operation should be enshrined in a condition attached to any permission granted.

Reason for suggested conditions: To safeguard the residential amenity of the area.'

No use of forecourt after 9pm.

WSP: No objection.

Sussex Police:

The applicant and their partners are strongly advised to consult directly with the licensing team at Sussex Police before making plans for licensed premises serving alcohol or conducting other licensable activities at this site. The Sussex Police Licensing Team may have some of their own requirements that they wish to be implemented into the premises before they are satisfied it meets licensing objectives on the day-to-day operation of the premises which is why it is extremely important the applicant contacts them.

I note the following opening times and closing times as detailed on the application form:

Monday to Friday: Start Time: 12:00 End Time: 21:30 Saturday: Start Time: 12:00 End Time: 21:30 Sunday/Bank Holiday: Start Time: 12:00 End Time: 21:30.

Given the change of use and proposed opening and closing times - a large degree of sensitivity will be required by the applicant to ensure the amenity of those residing above and the surrounding local community is not unduly disturbed. It will therefore be a matter for the applicant to ensure that this is managed in the most appropriate manner.

From a crime prevention perspective to protect the premises out of hours - consideration should be given to the siting of an intruder alarm.

Should CCTV be a consideration the following documents will be of assistance to the applicant:

CCTV guidance for police requirements: **HO (publishing.service.gov.uk)**

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CCTV at Commercial Business **https://www.gov.uk/can-i-use-cctv-at-my-commercial-premises**

CCTV | Search | Information Commissioner's Office (ico.org.uk)

Thank you for giving me an opportunity to comment.

The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

Southern Water: Public Sewer connection application required.

Representations

None received.

Relevant Planning Policies

Adur Local Plan 2017 Policies 2, 9,15, 27 and 34
National Planning Policy Framework (December 2024)
WSCC Guidance on Parking at New Developments (Sept 2020).
Lancing Vision

Planning Assessment

Principle

The proposal involves a change of use of a vacant retail unit into bar with take away sales. It can be supported in principle subject to no harm to the viability of the town centre or harm to any neighbouring residential occupiers.

Shopping Policy

The applicant describes the intended use as follows:

'BAKKUS will be a neighbourhood bar and shop, serving simple drinks accompanied with nibbles, no shots or any very strong mixed drinks. We aim to be a calm, comfortable place to enjoy a glass of wine or a beer with an opportunity to buy something from our shop and take home. Music will be low and background, as per our licence application, we are shutting early and do not intend to be or replace a late-night venue.'

Policy 9 of the local plan states:

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.

Policy 27 of the local plan goes on to say:

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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.

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 is no longer a viable use in that unit, 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.

The proposed Sui generis bar use is consistent with the place based policy 9 of the local plan where a more flexible approach to change of use is supported. The proposed use includes a retail element. Amenity issues are dealt with below.

Residential amenity

The ceiling between the ground floor and first floor flat has been upgraded and a sound test conducted. The test results demonstrate that the new ceiling will achieve a minimum airborne sound insulation value of 50dB (DnTw+Ctr dB) for all floors and is satisfactory to Heath.

This together with the recommended condition restricting the internal noise level for unobtrusive recorded background music to not exceed 75dB (LAeq15min) should safeguard the amenity of upper floor residents. Restricting the overall hours of use to those requested, Midday to 9.30pm, and further restricting use of the forecourt beyond 9pm should protect adjoining neighbours from excessive noise exposure.

Visual amenity

There are no external changes proposed with this application. Tables and chairs on the forecourt are consistent with this mixed town centre location. The adjoining coffee shop also has a bistro table and chairs outside.

Highways

The Highway Authority is satisfied that the use will not lead to any highway safety issues. It is sustainably located within close proximity of the train station and various bus routes.

Refuse is currently stored in the passageway to the north side of the building. This will continue.

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Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. Hours of use – 11.30am and 9.30pm
4. No primary cooking
5. Only unobtrusive recorded not exceed 75dB (LAeq15min) etc.
6. No use of the forecourt after 9pm and before the following Midday

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

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.

Case Officer:	MOK	Date: 17/1/25
Authorised by:	Peter Barnett	Date: 17 January 2025