Development Management - Delegated Officer Report

Application Number: AWDM/2085/21 Recommendation – APPROVE

Site: 135-137 South Street, Lancing, West Sussex

Proposal: Change of Use from car sales room to convenience shop (Class E), retrospective consent for new shop front and internal roller shutter and 5no. condenser units to rear elevation.

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application site is a ground floor premises on the east side of South Street near to the seafront. It is vacant and was previously used for car sales. Advertisement consent was recently granted for signage relating to the proposed change of use which is for a convenience store with new shop front and roller shutters. The use has not been carried out but work has commenced and the shop front glazing and shutters have been installed. The shutters are inside the glazing. The shopfront and shutters are anthracite grey. Also proposed are 5 no. condenser units to the rear elevation.

The site is located within the Town Centre boundary and secondary shopping frontage.

Consultations

Adur and Worthing Councils: Environmental Health: - As a one stop shop will have early and late opening times I would recommend that the the sound insulation between the business and the residential property above shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB). I would recommend a test to demonstrate this.

The sound data for the external plant is measured at 10m and therefore the noise levels at the first floor residential window a few metres above where the unit will be situated will be higher than reported in the manual. I would recommend a noise assessment for this plant and if necessary noise mitigation.

Following these comments discussions were carried out between Environmental Health and the applicant and a Noise Impact Assessment was submitted. The details were considered satisfactory.

West Sussex County Council: - Highways Authority: -

No vehicular access is associated with this site, and pedestrian access will remain unchanged. The proposed development may result in a slight intensification of movements to or from the site. However, the LHA does not anticipate that this would have a significant impact on the local highway

network. No parking is associated with the site. Under WSCC parking standards for retail, the LHA would expect a parking provision for at least six cars for a shop of this size. Therefore, vehicular parking would have to be accommodated on-street, as per the existing arrangement. Whilst on-street parking is limited in the area, there are comprehensive parking restrictions in place prohibiting vehicles from parking in places that would be detrimental to highway safety. The LHA does not anticipate that the nil parking provision would result in a detrimental highway impact, nor give rise to a parking capacity concern. However, the LPA may wish to consider the potential impacts on on-street parking from an amenity point of view. The site is situated in a sustainable location within walking distance of public transport links and public car parks. In conclusion, 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 111), and that there are no transport grounds to resist the proposal.

Representations

2 Representations received making the following comments: -

- Concerned over the dangerous parking in South Street.
- Limited parking available
- Noise pollution due to deliveries.
- Existing convenience store nearby.
- Blockage of footpaths due to deliveries
- Work carried out prior to consent being granted.
- Impact on flats opposite due to opening hours, deliveries and staff movements.

Relevant Planning Policies

Adur Local Plan 2017 Policy 15, 11, 17, 27
National Planning Policy Framework (July 2021)
WSCC Guidance on Parking at New Developments (Sept 2020).

Planning Assessment

Principle

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

Visual amenity

The changes to the proposed building and its use will have no adverse impact upon the character and appearance of the surrounding built environment. The site is within the Town Centre boundary and secondary shopping frontage and therefore such a use is in keeping and complimentary to the vitality and vibrancy of the locality. The shopfront design with shutters inside the glazing

and signage as already approved will provide an active frontage contributing positively to the street scene.

The condenser units are located low down to the rear of the site within a yard area where there is a rear access which leads from East Street. They are not clearly visible or overly large.

Residential amenity

The site is located adjacent to and below residential properties. The change of use will entail a more intensive use of the site, additional deliveries and customers and increased opening hours. The hours proposed are 6am to 11pm.

However within a town centre location such commercial activity is not unusual and a Noise Impact Assessment has been submitted stating mitigation measures and details of acoustic enclosures to the condenser units to protect the adjacent occupiers from noise relating to the proposed use and associated condensers. There will be additional activity such as deliveries, customers and other associated disturbance as a result of the proposed use and extended opening hours. However on balance, in this location, harm is not significant and not such that would warrant a refusal in this case. The hours of opening will be conditioned to ensure that no deliveries or associated activity take place outside of 7am-9pm. The advertisement consent was permitted with a condition attached to limit the use of the illuminated signage to be within the opening hours only to further safeguard local residents.

The noise produced by the condenser units has been considered within the Noise Impact Assessment and Environmental Health have discussed this with the applicant and agreed details including dampers and housing for the units. The details contained in the Noise Impact Assessment are conditioned in relation to the units and details submitted.

Parking and Highway Safety

Concerns have been raised with regard to the limited parking available around the site and that the proposed use will lead to illegal parking which would cause highway safety issues, congestion and disturbance to local residents. West Sussex County Council have noted that no parking is available for the proposed use however this location is sustainable within the town centre and therefore many customers will visit on foot and those who do arrive by car will have limited available parking. However parking restrictions exist to limit illegal, hazardous parking and safeguard local residents and highway users. It is considered again in such a location a refusal could not be substantiated on these grounds.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans

2. Standard 3 year time limit
3. Rollers shutters as detailed in email from applicant received 14th February.
4. Details and mitigation measures shall be carried out in accordance with the Noise Impact Assessment dated January 2022 and the acoustic enclosure shall be implemented in accordance with details as contained in the email from Mark Newmanreceived 28th February 2022.
5. Hours of opening 06:00 - 23:00 all activities shall cease including deliveries unless within these hours. Deliveries 7am -9pm only.
6. The sound insulation between the business and the residential property above shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB). within 1 month of completion test results should be submitted to ensure this has been achieved.

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

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Case Officer: Hannah Barker Date: 14th March 2022

Authorised by: Peter Barnett Date: 15 March 2022