# Development Management - Delegated Officer Report

**Application Number: AWDM/0592/17 Recommendation – Approve**

**Site:** **10 South Street, Lancing**

**Proposal:** **Change of use from Use Class A2 (professional services) to Use Class A3 (restaurant) to be amalgamated with existing hot food takeaway at No.8 with associated internal alterations.**

**Date of site visit:** 11 May 2017

**Neighbours checked: Y**

**Additional neighbour notifications: N**

**Proposal, Site and Surroundings**

The application relates to a vacant A2 unit previously in use as an estate agent. It sits adjacent to a takeaway (Class A5) at No.8 called Andreas which specialises in kebabs. It is proposed to change the use of No.10 and to amalgamate the two buildings to form a restaurant and takeaway. No.10 will become the restaurant with No.8 remaining in takeaway use. The existing flue at the rear of No.8 will remain and serve both units.

The proposed opening hours are 8am to 11pm every day. There will be internal alterations only, with new customer toilets provided within No.10.

**Relevant site history**

Various

**Consultations**

**West Sussex County Council:** The **Highway** Officer has no objection. The site is located on South Street, a 30mph road in Lancing Town Centre. Immediately to the north of the site is Lancing Train Station and a few yards away is the local bus stop. The site is considered to be within a sustainable location. There are parking spaces directly outside and enforceable parking restrictions in place to avoid any dangerous parking behaviour

No details have been provided on how the existing hot food takeaway is serviced but it is assumed this will continue as is already occurring. It is anticipated there will be a high level of footfall to the site however as stated above there is parking and should there be a need for parking if they offer a home delivery service this can be accommodated on-street. Is there any alternative parking at the rear for this? There is also plenty of opportunity for travel to the site via sustainable means.

**Adur & Worthing Councils:** The **Environmental Health** Officer has no objection. The opening hours can be amended to reflect the existing takeaway use so long as the sound insulation is improved between the restaurant and

residential property above. For this purpose he recommends the following condition:

*A sound insulation scheme shall be submitted to protect the above residential property from the restaurant as the opening hours are likely to increase. 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**

None received

**Relevant Planning Policies**

Saved Local Plan policies (ADC 1996): AG1, AP7, AS1, AE5, AE6
Proposed Submission Adur Local Plan (2016): 9, 28
Lancing Village Vision (2012)
National Planning Policy Framework (CLG 2012)

**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'. This application retains the existing takeaway and is proposing a new restaurant which therefore complies with the aims of the Vision.

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 supports A1 uses principally, but also A3 and A4 uses where there is a long term vacancy and reasonable attempts have been made to sell or let the premises for A1 use.

However, the proposed development would not displace an existing class A1 use and there is therefore no need to demonstrate long term vacancy or attempts to sell/let for A1 use. Nevertheless, the applicant's agent advises that the unit has been vacant for 5-6 months and there has not been much interest to use the unit for A1 or A2 purposes. The proposal is not therefore in conflict with adopted or emerging Local Plan policy.

**Visual amenity**

The proposal would not result in any external changes.

**Residential amenity**

There is a flat above the restaurant and the EHO is seeking sound insulation improvements. Subject to these works being carried out, he has no objection to the proposed opening hours, which match those of the existing takeaway use.

**Parking and Access**

There is no off-street parking available but the site is in a sustainable location, close to the railway station. There are parking bays in South Street and a public car park by the station. No highway safety or amenity concerns have been raised.

**Recommendation**

**APPROVE**

**Subject to Conditions:-**

1. Approved Plans
2. Standard 3 year time limit
3. No development shall take place until a sound insulation scheme has been submitted to the Local Planning Authority. The scheme shall protect the first floor residential property above the restaurant from noise from the restaurant. 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 have achieved the minimum airborne sound insulation criteria. The use hereby permitted shall not commence until test results, demonstrating that the minimum sound insulation criteria have been achieved, have been submitted to and approved by the local planning authority.

4. Hours of opening 8.30am-11pm every day
5. Use A3 (No.10)
6. No external plant other than as shown on approved plans

**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: Peter Barnett Date: 31 May 2017

Authorised by: Gary Peck Date: 1 June 2017