Development Management - Delegated Officer Report

Application Number: AWDM/1401/21 Recommendation – APPROVE

Site: 67-69 North Road, Lancing, West Sussex

Proposal: Change of use from A1 funeral directors to restaurant and hot food takeaway (sui generis) including installation of extraction flue to the rear.

Date of site visit: 24th February 2020 when considering AWDM/0126/20

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application site is an end of terrace building within the town centre and Primary Shopping Area of Lancing. The ground floor is currently an A1 use as a funeral directors with a first floor flat above. The commercial unit has a shop front onto North Road and access to the flat is to the rear via an external staircase. The commercial unit also has rear access at ground floor. There is a courtyard area to the rear of the building accessed via Culver Road to the north of the site. There is informal parking along this access to the rear of the site and this also provides a service access for the rear of the commercial properties within this parade. Purpose-built flats at Culver Court are to the south west of the site.

Consent was previously granted at this site under AWDM/1361/20 for a ground floor rear extension with roof terrace over to create a ground floor flat partly using the commercial space and creating an outside space and alterations to the flat above. This consent has not been implemented and the property is now under new ownership including the ground floor commercial unit and first floor flat. Consent is now sought to change the use of the A1 Funeral Directors to a hot food takeaway to include the installation of an extraction flue to the rear. The first floor flat is to remain as existing.

The proposed plans show the layout to include ground floor commercial space with a preparation room and W.C to the rear. There is access to the front and rear. There is no alteration to the external access to the first floor flat and an extract flue is proposed to the rear on the north side of the rear projection.

Following comments from Environmental Health an Acoustic Report has been submitted to accompany the application.

Lancing Parish Council: - No comment

Consultations

West Sussex County Council: The Highways Authority states that before the LHA can give a recommendation to the LPA further information will need to be provided in terms of parking. - Recommended correction and mitigation

measures. The LHA requests the applicant provides details for parking and any mitigations and reasonings.

A written statement has been provided and submitted to WSCC their comments are as follows: - It would be difficult to substantiate that the proposal would result in any changes to parking demand/capacity/behaviour that would result in an unacceptable highway safety issue 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.

Sussex Police: - The application form does not provide opening hours so I would ask moving forward that reasonable hours of trading are made a condition of consent. I have concerns about the amenity of nearby residential occupiers as there is a possibility that they will be disturbed late into the night by customers attending and leaving the takeaway/restaurant.

The extraction flue also has the potential to impact on neighbouring residents and businesses due to potential associated food smells and noise.

Locks to windows and doors and CCTV is recommended

Adur and Worthing Councils: Environmental Health: - Initial comments:

There is insufficient information with this application.

My main concern is noise from the business impacting the residential property above. Is the sound insulation between the property sufficient for what they propose and will noise from the ventilation system impact on the residential property? This is unclear and we would need an acoustic assessment for the proposals, before any further consideration can be given.

Is there any odour abatement in the extract and is this sufficient for the type of food proosed?

What are the proposed hours of business?

Toilet provision. The only toilet shown is behind the prep room and appears inaccessible to customers. We would need to ensure that the proposed use has sufficient toilet provision, including disabled access for the customers it will cater for. None of this information is provided in the application.

Therefore, I object to this current application based on what has been presented as it is impossible to make an informed decision.

Following the submission of the Noise Assessment and details of hours of opening Environmental Health are satisfied and require details of odour abatement in the extract which can be submitted by condition.

Representations

None received

Relevant Planning Policies

Adur Local Plan 2017 Policy 15, 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 and the effect on the character and appearance of the area. The impact of the proposed change of use upon the vibrancy and vitality of the commercial area, town centre and primary shopping area and parking and highway matters.

The A1 retail use which exists is a funeral directors, a commercial unit providing an active frontage and use within the town centre. The Sui Generis use proposed here for a hot food takeaway will continue to provide a commercial frontage within the town centre complementing the commercial area. The change of use here will contribute to the vibrancy and vitality of the town centre despite the loss of A1 retail in this case.

Visual amenity

There are no details provided in terms of a new shop front or signage in this case the application is for the change of use and extract only. The commercial frontage will remain which is important within this town centre location. The external change to the rear is the proposed flue which will be clearly visible to the rear of the property within the courtyard area, the secondary access area to the rear of the site. It will not directly be visible within the context of the main shopping street and surrounding built environment. It is not an unusual feature to have to the rear of a commercial unit within a secondary access road and does not exceed the height of the building.

Residential amenity

The proposed use will attract customers and activity during the day and evening with opening hours proposed by the applicant being Sun-Thurs 11:00 - 23:00 Fri - Sat 12:00 - 00:00. There are residential properties above and within the vicinity of the site however within this town centre location commercial activity such as takeaways function alongside retail and noise and activity associated is, within this context acceptable. This is provided that the hours of opening are restricted to those proposed as set out in the condition below and also that the details set out in the acoustic report are adhered to in relation to the amenities of the flat above in particular.

The Acoustic report refers to the outdoor plant proposed and assesses the potential noise impact upon the nearest windows which serve the flat above. Provided the measures in the report are complied with it is not considered to have any adverse impact. Similarly the sound insulation scheme proposed also protects the property above. Odour abatement details are required also and this is to be secured by condition with details to be submitted. The

applicant's agent has agreed to this condition. All details submitted and conditions are to the satisfaction and recommendation of Environmental Health to mitigate any harm to the adjacent residential occupiers.

The flue will be visible from the rear window of the first floor flat due to its positioning. On balance there is still sufficient outlook and light received to the flat and living conditions are not severely compromised as a result. It should also be noted that the flat is under the same ownership as the ground floor premises.

Highway Matter and Parking

The Highways Authority commented that further information was required in relation to parking in relation to the proposed use. A statement has been submitted by the applicant's agent commenting on the limited space of the use, the town centre location and available parking within close proximity of the site. WSCC has commented that they do not consider the use to result in any highway grounds to refuse the proposals.

Other matters

It should be noted that the previous consent as referred to above included ground floor extensions to enhance the first floor flat and to create a ground floor flat. Due to the specific considerations in this case to the change of use relating to the first floor flat only consideration is not given here as to how this may impact upon any potential ground floor unit. It is therefore not acceptable to implement a combination of the previous and this current consent without potential harm occurring. A new application would need to be submitted to fully assess any impact. Therefore a condition is set out below to ensure only one of the planning consents are implemented in this case.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. The details contained in the Noise Impact Assessment
4. Odour Abatement details
5. Hours of opening Sun - Thurs 11:00 - 23:00 Fri - Sat 12:00 - 0:00
6. Cannot implement both planning consents.

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

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: 6th December 2021

Authorised by: Peter Barnett Date: 7 December 2021