



**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 3<sup>rd</sup> July 2018

**DEVELOPMENT:** Change of use from a restaurant (Class A3) to a hot food takeaway (Class A5); installation of extraction/ventilation equipment; and other external alterations.

**SITE:** Mr Lis Chinese Restaurant 45 Springfield Road Horsham West Sussex RH12 2PG

**WARD:** Trafalgar

**APPLICATION:** DC/18/0612

**APPLICANT:** **Name:** Domino's Pizza UK & Ireland Plc **Address:** c/o Agent

**REASON FOR INCLUSION ON THE AGENDA:** More than eight persons in different households have made a written representation, which disclose material considerations, are within the consultation period and are inconsistent with the officer's recommendation.

**RECOMMENDATION:** To approve planning permission subject to appropriate conditions

**1. THE PURPOSE OF THIS REPORT**

To consider the planning application.

**DESCRIPTION OF THE APPLICATION**

- 1.1 The application seeks full planning permission for the change of use of the existing commercial premises from A3 restaurant use to A5 hot food takeaway use. The proposed change of use would allow for Domino's Pizza who currently occupy 41 Springfield Road to relocate to this premises. As part of the proposed change of use, various external and internal alterations are proposed including; the installation of new extraction equipment which would rise up through the roof at the rear of the building, a new shop front incorporating a new main entrance and secondary entrance, revised fenestration works to the side and rear and the installation of cold room compressor unit. The plans also indicate new signage however this would be subject to advertisement consent and is not considered under this change of use application.
- 1.2 Internally, partition walls would be removed and added as well as the creation of new cooking facilities to meet the potential users' needs and the creation of a front counter and serving area. The proposed extraction ducting would also follow the same internal route as the

existing ducting to be replaced. The proposed A5 use would occupy a floor area of approximately 152sqm GIA.

## DESCRIPTION OF THE SITE

- 1.3 The application site relates to an existing A3 commercial unit of Mr Li's Chinese Restaurant located at the end of a row of commercial premises on the western side of Springfield Road within the built up area and town centre of Horsham. The existing building consists of the main A3 use at ground floor level with residential accommodation above (two flats access via a separate rear staircase). The premises are located within a secondary retail frontage area as designated by the Horsham District Planning Framework (HDPF). To the rear is a service area which services the existing business on site as well as the other business along the row. To the north of the application is the Potters Place development of retirement properties with other commercial units located to the east and south, moving towards the central area of the town centre. The neighbouring commercial units within the parade also have residential units above. The residential development of Springfield Park Gate is also located in close proximity to the rear/west of the application site

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

The following Policies are considered to be relevant to the assessment of this application:

#### **National Planning Policy Framework**

#### **Horsham District Planning Framework (HDPF 2015)**

Policy 7 - Strategic Policy: Economic Growth

Policy 9 - Employment Development

Policy 12 - Strategic Policy: Vitality and Viability of Existing Retail Centres

Policy 13 - Town Centre Uses

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 34 - Cultural and Heritage Assets

Policy 40 - Sustainable Transport

Policy 41 – Parking

#### Supplementary Planning Guidance:

Horsham Town Design Statement

### RELEVANT NEIGHBOURHOOD PLAN

- 2.2 Horsham District Council has approved the designation of Horsham Blueprint as a Neighbourhood Forum as of June 2015.

### PLANNING HISTORY AND RELEVANT APPLICATIONS

HU/226/84

Alterations and installation of new shop front  
(From old Planning History)

Application Permitted on  
28.09.1984

HU/266/85	C/u of shop to restaurant (From old Planning History)	Application Permitted on 09.12.1985
HU/276/84	Erection of sun blind (From old Planning History)	Application Permitted on 05.11.1984

### 3. OUTCOME OF CONSULTATIONS

3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at [www.horsham.gov.uk](http://www.horsham.gov.uk)

3.2 **Parish Council Consultation:** No Comments received.

#### INTERNAL CONSULTATIONS

3.3 **HDC Environmental Health:** Comment.

Ventilation and extraction equipment proposed considered to be acceptable. Maintenance Plan should be adhered to and controlled via recommended conditions.

#### OUTSIDE AGENCIES

3.4 **WSCC Highways:** No Objection.

The site is located in a highly sustainable town centre location. The LHA has no evidence to conclude that the proposed use will create a significant increase in parking demand over the existing use which could result in a highway safety issue.

Given the existing use of the site and taking into account the town centre location, the LHA does not consider that the proposal would have a 'severe' impact on the operation of the highway network, therefore the proposal would not be contrary to paragraph 32 of the NPPF. There are no transport grounds to resist the application

#### PUBLIC CONSULTATIONS

3.5 23 letters of objection were received from 22 separate households/bodies. The nature of these objections can be summarised as follows -

- Proposal would result in too many A5 uses in this area
- Detrimental Impact on neighbouring amenity regarding noise and smells
- Detrimental impact on highway, additional cars parking on pavement and highway illegally

### 4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

### 5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

### 6. PLANNING ASSESSMENTS

- 6.1 The main issues are the principle of the development in the location and the effect of the development on:
- The character of the development and the visual amenities of the street scene
  - The amenities of the occupiers of adjoining properties
  - The existing parking and traffic conditions in the area

### **Principle**

- 6.2 Policy 13 of the Horsham District Planning Framework advises that main town centre uses will be encouraged within the defined areas of town and village centres. Town and Village Centre boundaries, Primary Shopping Area and Primary and Secondary Retail Frontages have been identified for large town and village centres in the District to reinforce the vitality, viability and character of the centre.
- 6.5 It is considered that the existing commercial unit is adequately sized and is situated within a suitable location within the town centre of Horsham. The make-up of the western side of Springfield Road in this location consists of mixture of A1, A3, A4, A5 and D1 uses as well as B1 office uses on the eastern side of Springfield Road. It is noted that Policy 13 of the HDPF states that a minimum of 50% of the commercial frontage (length) in a secondary retail frontage area must be made up of A1 uses. However, in this instance the site is currently in use as A3 restaurant and would not result in the loss of any A1 retail floorspace. Therefore, it is considered that the proposal would not be contrary to Policy 13 of the Horsham District Framework in this regard.
- 6.6 It is considered that the proposed A5 use would maintain the vitality and viability of this commercial area located within the town centre boundary of Horsham, as the nature of the use would entail continuous activity to and from the premises by customers on a regular basis, similar to the existing A3 use. As such, the proposal would adhere to the council's "Town Centres First" strategy and overall, the principle of the use of the commercial unit in question as an A5 use is considered to be acceptable.

### **Appearance & Visual Amenities of the Street scene**

- 6.7 Policy 33 of the Horsham District Planning Framework requires proposals to be of a high standard of design, relate sympathetically with the built surroundings and character of the surrounding area; also of particular relevance in respect of the development would be its impact upon both private neighbour amenities and the visual amenities of the area and to have appropriate access and parking arrangements.
- 6.8 As detailed above, various external alterations are proposed as part of the change of use of the host premises. An existing external extraction duct would be replaced with new extraction ducting to be positioned in the same location to the rear roof slope of the building. The proposed extraction ducting would be set away from the principal elevation of the premises and would be set behind an existing chimney stack. It is noted that there are other examples of extraction equipment within the rear area of the commercial unit given the surrounding uses. As such, it is considered that the proposed replacement extraction ducting would not appear as a prominent addition and would not have a detrimental impact on the surrounding area.
- 6.9 The proposed alterations to the shop front would introduce a predominantly glazed front entrance to the premises with an aluminium frame, low level stall risers and glazed aluminium access doors. The right side of the shop front when looking from Springfield Road will include obscure film to the glazing. Taking into account the varying nature of the shop-fronts in the vicinity the proposals, including the film to the glazing, are considered to be acceptable. The proposed fenestration changes which include the blocking up of a number of windows to the

side and rear of the premises with matching materials and the installation of a condenser unit to serve a new internal cold room to the rear are also considered to be acceptable. Overall, the proposed external alterations would not have a detrimental impact on the existing building or the surrounding area, in accordance with policies 32 and 33 of the HDPF.

### **The effect of the development on the amenity of adjoining properties**

- 6.10 The Potters Place retirement home development is located directly to the north of the application site and there are also residential properties located above the application site at first floor level and above the other commercial premises to the south, as well as to the rear/west at Springfield Park Gate. The details submitted with the application indicate that there would not be an increase in staff numbers for the premises following the change of use of the premises/relocation of Domino's Pizza.
- 6.11 As amended, the proposed operational hours are proposed as follows:-
- 1100 - 2300 daily including Bank Holidays for counter sales,
  - 1100 - 0000 Monday – Thursday, 1100 – 0100 Friday and Saturday and 1100 - 0000 Sundays and Bank Holidays for pizza/takeaway deliveries; and
  - 0800 – 1800 Monday to Saturdays and 1000 – 1600 on Sundays and Bank Holidays for stock deliveries to the premises.

These business hours have been stipulated by the applicant and would match the existing closing hours of the existing Domino's Pizza business two units along at 41 Springfield Road. The Council's Environmental Health Team have commented there have been no relevant complaints made against the existing Domino's Pizza at 41 Springfield Road in recent history.

- 6.11 It is noted that there are residential properties located to the north of the site, within the Potters Place retirement home development, above the commercial premises at first floor level and to the rear/west at Springfield Park Gate. Given the nature of the proposed use, and taking into account the existing use and the presence of Domino's at no.41 closer to the properties on Springfield Park Gate, it is considered that there would not be an adverse impact on neighbouring amenity with regards to opening hours beyond that of the existing business. Given that the Swan Walk car park is only a two minute walk away from the site and operates on a 24 hour basis and taking into account the Town Centre location, it is considered that the opening times would be not be out of keeping with the existing businesses along the row and the nature of activity already taking place in the area. Notwithstanding the above, it is considered appropriate to attach a condition with regards to opening hours relating to the proposed use.
- 6.12 Having fully considered this matter Officers consider the proposed hours of operation and those for deliveries are appropriate given the commercial A5 nature of the proposed use, the controls proposed as conditions as part of this report and considering the existing opening hours of the A3 restaurant on site (12pm – 11pm). Furthermore the proposed hours would be in line with the existing takeaway unit within the same parade which is relocating to this site.
- 6.13 In addition to the opening hours of the proposed use, potential noise and odours produced by the business must also be taken into account. Additional and amended information has been submitted pertaining to the proposed ventilation and extraction method for the proposed use, which would largely replicate the position of the existing. HDC's Environmental Health Team have confirmed that the proposed ventilation and extraction equipment would be appropriate for the proposed A5 use, subject to the management and maintenance plan being adhered to at all times. This requirement will be controlled via a suitable condition. Overall, given the nature of the business and its location within the

commercial centre of Horsham, it is considered that the proposal would not have a detrimental upon neighbouring amenity or the wider area.

### **The effect of the development on existing parking and traffic conditions in the area**

- 6.14 The application site is in close proximity to public transport links including buses and trains from points nearby. As stated above the Swan Walk car park as well as other pay and display car parks are available within walking distance of the application site with limited parking available to the front of the site. The application site is also within walk-able distance to properties located within the centre Horsham.
- 6.15 It is noted that a number of objections have been raised with regards delivery drivers and customers parking illegally and that any increase in the size of Domino's Pizza business could result in an increase of this. The business would like to move to the larger unit at 45 Springfield Road to allow for additional space to operate the business more effectively. No increases in staff are proposed as detailed above. WSCC Highways team have been consulted on this proposal and have confirmed that there are no set parking standards for A5 uses and that access and service requirements would be similar to that of an A3 use. They have also confirmed that they have no evidence to suggest that the proposed use would result in an increase in parking demand or result in any highway safety issues and have raised no objections. As such, it is considered that there would not be any parking or highways safety concerns associated with the change of use of this premises to A5 use.

### **Conclusion**

- 6.16 Overall, subject to the recommended conditions the proposal would comply with the relevant policies of the HDPF and would not have a detrimental impact on the make-up of the existing premises or the visual amenities of the street scene. The proposals would not result in any harmful impact on neighbouring amenity beyond that of the existing use of the site and are considered to be acceptable on parking and highway safety grounds. The application is therefore recommended for approval.

## **7. RECOMMENDATIONS**

- 7.1 It is recommended that planning permission is granted subject to the following conditions -

1 **Plans list**

- 2 **Standard Time Condition:** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 3 **Regulatory Condition:** Prior to the commencement of the A5 use hereby permitted the ventilation and extraction equipment shall be installed and fully operational in accordance with the submitted details. The ventilation and extraction equipment shall thereafter be maintained in strict accordance with the approved details.

Reason: In the interests of the amenities of neighbouring properties and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 4 **Regulatory Condition:** The premises hereby permitted to A5 use as a hot food takeaway shall not operate a counter sales service except between the hours of 1100 – 2300 daily including Bank Holidays.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 5 **Regulatory Condition:** The premises hereby permitted to A5 use as a hot food takeaway shall not operate a takeaway delivery service except between the hours of 1100 - 0000 Monday – Thursday, 1100 – 0100 Friday and Saturday and 1100 - 0000 Sundays and Bank Holidays

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 6 **Regulatory Condition:** No deliveries shall take place to the premises hereby approved for A5 use as a hot food takeaway except between the hours of 0800 – 1800 Monday to Saturdays and 1000 – 1600 on Sundays and Bank Holidays.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 7 **Regulatory Condition:** The materials to be used for the external works permitted shall strictly accord with those indicated on the drawing numbers C5173-A5-04 and C5173-A5-03 REV B.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/18/0612