DELEGATED APPLICATIONS

ASSESSMENT SHEET

APPLICATION NO./ADDRESS

WB/11/0171/FULL

40 High Street
Worthing

DESCRIPTION OF DEVELOPMENT

Variation of Condition 2 of planning permission WB/08/0530/FULL to allow hot food to be prepared on the premises.

This seeks to achieve this by providing a ventilation and extraction system which outlets via the chimney from the existing kitchen. The kitchen is located at the rear in a single storey building which faces the rear yard and is accessed off Charlecotte Street and abuts the boundary with 1 Charlecotte Road.

The cooking odours would pass through the canopy over the cooking area and into ducting and via a fan and carbon filter box and into the chimney breast. The applicant reports that they would outlet through an existing tall and narrow metal chimney pot in the existing chimney stack on the roof of the single storey kitchen building at the rear of the property. This is shown as capped.

DATE OF SITE VISIT: 11.5.11

NEIGHBOURS CHECKED : Y / ~~N~~

ADDITIONAL NEIGHBOUR NOTIFICATIONS (LIST ADDRESSES):

SITE AND SURROUNDINGS:

The property which is the subject of this application is in the town centre on the corner of High St and Charlecotte Rd , opposite the multi storey car park and offices/shops (west); Gov Offices (south) and adjacent to a shop. It comprises the ground floor of a 3 storeys building with single and two storey additions at the rear which includes the single storey kitchen with its chimney stack and terracotta and metal pots and rooflight. A yard is accessed off Charlecotte Street and enclosed by a tall flint wall and a two storey building adjoins at the back. A flat (40A) sits above the application premises which is accessed from the front through a separate door. The adjacent house in 1 Charlecotte Rd forms part of a terrace of Edwardian properties and is arranged as flats. The facing flank of this neighbouring property is blank and is set of slightly from the common boundary.

Planning permission for a change of use from A1 (florist) to A3 Cafe/Coffee shop with no primary cooking on the premises was granted in July 2008. The prohibition of primary cooking was agreed with the applicant and a corresponding restrictive condition imposed because at the time a suitable solution to removing cooking odours which was both suitably respectful of neighbour residential quiet and the character and appearance of the listed building had no been established.

Discussions with applicant and the Environmental Health Manager, however, indicated that any future proposal to broaden the use to allow primary cooking of food on the premises may be satisfactorily accommodated in environmental health terms by using the existing chimney. Nonetheless, a full detailed scheme and separate application would be necessary to reach a definitive judgement

The planning permission was implemented and the business has traded accordingly. The approved use provided for refuse storage in the small rear yard and had a capacity of 36 covers. Hot food is restricted to heating by microwave; contact grill; and heated pie cabinet and details of equipment are supplied by condition 2 of the planning permission .

Approved Trading hours are 8.30 am to 5pm M-F ; 9am to 5pm Sat; closed Sunday: B/H 9am to 4pm

It is a grade II listed building forming part of a listed group 40 to 44 High St (even). It is within a Controlled Parking Zone.

RELEVANT PLANNING HISTORY:

Application Number	Development Description	Decision	Decision Date	Appeal Decision	Appeal Decision Date
01/00544/LBC	Remove existing defective external rendering to south and west faces and re-render all to match existing.	GRANT CONDITIONAL CONSENT	09-07-2001		
03/00160/OUT	Outline Application for the demolition of existing store and redevelopment with a new Class A1 retail store (5524 square metres gross), together with ancillary coffee shop/restaurant, creche, 349 car parking spaces, petrol filling station and associated highway works (access and siting to be determined) - Renewal of Planning Permission WB/99/00764/OUT dated 31st March 2000.	GRANT CONDITIONAL CONSENT	12-05-2003		
08/0530/FULL	Change of Use from Use Class A1 (florist) to Use Class A3 Cafe/Coffee shop with no primary cooking on the premises.	GRANTED	7.7.2007		
658/78/LB/CC	APPLICATION FOR LISTED BUILDING CONSENT FOR CONSTRUCTION OF DWARF WALL RENDERED AND PAINTED AND INSTALLATION OF SUPPORTING	APPROVED WITH CONDITIONS	01-08-1978		

	POLE TO THE EXISTING CANOPY OVER THE MAIN ENTRANCE DOORWAY OF THE RESTAURANT. THE TOBY JUG, 40 HIGH STREET		
90/1017	PARTIAL DEMOLITION AND REBUILDING OF FLINT BOUNDARY WALL WITH ADDITIONAL STRENGTHENING TO FREE STANDING END WALL. THE TOBY JUG RESTAURANT 40 HIGH STREET	APPROVED WITH CONDITIONS	31-12-1990
90/1019/LB	APPLICATION FOR LISTED BUILDING CONSENT FOR REBUILDING OF PARTIALLY DEMOLISHED FLINT BOUNDARY WALL WITH ADDITIONAL STRENGTHENING TO FREE STANDING END OF WALL. THE TOBY JUG RESTAURANT 40 HIGH STREET	APPROVED WITH CONDITIONS	31-12-1990
90/1020/LB	APPLICATION FOR LISTED BUILDING CONSENT FOR PART DEMOLITION OF FLINT BOUNDARY WALL TO SOUTH ELEVATION OF PROPERTY. THE TOBY JUG RESTAURANT 40 HIGH STREET	APPROVED WITH CONDITIONS	31-12-1990
99/00764/OUT	Outline Application for the demolition of existing store and redevelopment with a new Class A1 retail store (5524 square metres gross), together with ancillary coffee shop/restaurant, creche, 349 car parking spaces, petrol filling station and associated highway works (access only to be determined).	GRANT CONDITIONAL CONSENT	31-03-2000

The current use is as a cafe but the previous use was as a florists and prior to that as a restaurant –Toby Jug.

RELEVANT PLANNING POLICIES:
(Refer to national, structure and local plan policies where relevant)

Saved Worthing Local Plan Polices, H18 and RES7
Core Strategy Policy 16
PPS5: Protecting the Historical Environment
PPS4: Planning for Sustainable Economic Growth
PPS23: Planning and Pollution Control
PPS24: Planning and Noise

REPRESENTATIONS AND RELEVANT CONSULTATION RESPONSES :

Environmental Health Manager :

Pollution Team: no objections

Odour management;

1.7.11

have spent a lot of time with the proprietor of these premises, he had an application ready to send to Planning over a year ago which was much better than this one.

I can't say whether the flue will fit into the chimney, I think it is for him to make sure that it does and to ensure his contractor knows that it has to comply.

I have discussed my concerns with him in the past, I don't think the level of cooking he will do will cause any problems it is the issue of giving permission and then the premises being sold and what the next person may do with it.

He just wants to do a fried breakfast, without extraction it would be too difficult to keep the premises clean with grease being deposited on the kitchens internal structure and equipment. To achieve this the equipment needs to have a grease filter, the carbon filters must be accessible and replaceable and there needs to be sufficient access points to allow access to clean the flue. He also needs a maintenance schedule because without maintenance the system will not be effective. The canopy needs to extend beyond the size of the hob and cooker or other equipment beneath. I also need to see details of the extraction rate for the fan. All of these details were included in the original application that he showed me.

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Due to the lack of detail on the plans please find my comments on specific parts of the system which will need to be considered to control any odour. A maintenance plan is also essential because if filters are not cleaned or changed regularly or if grease is allowed to build up in the ducting then odour will still be a problem regardless of the system specification. The attached guidance ***Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems*** *This report was prepared by Netcen on behalf of Department for Environment, Food and Rural Affairs January*can be opened in Acrobat.

Canopy Dimensions

Please also see guidance on the canopy dimensions at S4.2.4. The canopy must overhang the cooking appliances by 200mm on each free side and by 300mm at the front. The ideal distance between the lowest edge of the grease filter and the top of the cooking surface should be tetween 450mm to 1350mm. This is to avoid the risk of excessive temperatures or fire.

Filters

There must be a removable, washable grease filter at the point of extract. Further guidance can be found P52, S4.7 of the attached guidance. S 4.7.4 gives advice on any carbon filters that may be installed. These filters need to be accessible and

regularly replaced as grease or particulates will make them ineffective. From the design shown I am not sure if they are needed as the efflux velocity may take any odours high enough and dilute them enough not to be a problem. If this is not the case then the filters must be made available.

Chimney Stack

S 4.7.8, P61, of the attached guidance shows examples of best stack design to provide good dispersion and discharge velocity.

Access panels for cleaning must be provided at 3m centres. See S 4.6 for further detail

Fans - Drainage hole must be provided at the lowest point for condensation.

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1. *Is it feasible to fit the flue in the chimney, then that's fine and we will issue a permission on that basis . Please confirm. ;* Yes feasible

2. *The drawings show a cap to the chimney- I take it you wish for this to be removed. Please confirm* Yes cap to be removed and shape of flue to be as recommended in the guidance.

3. *I am happy to impose a condition which requires odour management equipment equipment as described in the supporting documentation and drawings to be installed prior to use to be retained and maintained in accordance with the manufacturer's' instructions. Are you happy you have sufficient technical details though for this ?*

The supporting documentation is not in enough detail as it is. I doubt if there will be any manufactures instructions. I can write to him with the specifics as detailed in my last email.

HUMAN RIGHTS:

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. It is accepted that the proposal, if approved, would have some impact on the neighbouring properties. However, it is considered that the level of development proposed would not cause undue harm in terms of additional noise, disturbance and loss of privacy and that, on balance, existing residential quality of life would not be adversely affected as a result of the proposal. Accordingly it is considered that it is acceptable with regard to Article 8 and Article 1.

PLANNING ASSESSMENT: (Include any impact on Crime & Disorder and Issues identified above)

The principal issues raised by this proposal are:-

- Impact on the amenity of residential neighbours

- Impact on the integrity of the design of the listed building and character of the townscape

Impact on the amenity of neighbours

The proposal makes use of the existing chimney as anticipated in the planning permission for change of use to restaurant.

Whilst the chimney used is close to the adjacent flats this is acceptable, bearing in mind the approved trading hours, the history of use of the premises as a restaurant and the support of the Executive Head of Health and Community Safety who raises no objections to the scheme, subject to suitable conditions on a maintenance plan for the odour management equipment and removal of the chimney cap. The facing flank elevation of the neighbouring house in Charlecotte Road is also blank.

As such the current proposal is unlikely to give rise to unacceptable amenity impacts.

Impact on the integrity of the design of the listed building and character of the townscape

No physical alterations to the external building fabric are proposed and no harm to the listed building and character of the area would arise. The Executive Head of Health and Community Safety is satisfied that the chimney as it stands can accommodate the necessary equipment without alterations.

As such the proposal is unlikely to give rise to unacceptable visual impacts.

RECOMMENDATION:

Grant Permission subject to conditions as on WB/08/0530/FULL ie time; trading hours 8.30 am to 5pm M-F ; 9am to 5pm Sat; closed Sunday: B/H 9am to 4pm; but vary condition 2 to allow primary cooking on premises as set out in the approved plans and supporting documentation and compliance with maintenance regime prescribed by The Executive Head of Health and Community Safety and no cap placed on chimney.

REASONS FOR RECOMMENDATION:

The proposal can be accommodated satisfactorily in the existing chimney without harm to the amenity of the neighbouring occupiers or the appearance of the Listed Building and as such is acceptable and accords with Saved Worthing Local Plan Policies H18 and RES7 and National Policy in PPS4: Planning for Sustainable Economic Growth; PPS5: Protecting the Historical Environment; PPS23: Planning and Pollution Control and PPS24: Planning and Noise

IS RECOMMENDATION CONTRARY TO LETTER(S) OF REPRESENTATION?

Y / ~~N~~

DELEGATED [redacted]

Case Officer sign..... [redacted] .....Date 18 7 11

Authorising Officer sign..... [redacted] .....Date 19.7.11

No primary cooking shall take place at the premises unless and until the ventilation and extraction system as described in the approved plans and supporting documentation has been installed and is in full operation, subject to the following;

a) Notwithstanding the approved drawings, no cap shall be placed on the chimney accommodating the flue.
b) The ventilation and extraction system shall fully comply with the relevant parts of ***Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems*** *prepared by Netcen on behalf of Department for Environment, Food and Rural Affairs January 2005*, in particular:

   i) Subject to the efflux velocity, there must be a removable, washable grease filter at the point of extract in line with P52, S4.7 of the above guidance and S 4.7.4 on any carbon filters that may be installed. These filters shall be accessible and regularly replaced in line with manufacturer's instructions.
   ii) S 4.7.8, P61, of the above guidance showing examples of best stack design to provide good dispersion and discharge velocity.
   iii) Access panels for cleaning must be provided at 3m centres in line with S 4.6 of the above guidance.
   iv) Fans; drainage hole must be provided at the lowest point for condensation.
   v) Canopy dimensions should comply with S4.2.4 of the above guidance. The canopy must overhang the cooking appliances by 200mm on each free side and by 300mm at the front. The ideal distance between the lowest edge of the grease filter and the top of the cooking surface should be between 450mm to 1350mm.

The equipment shall be retained thereafter and maintained in accordance with the best practice set out in the above guidance.

Reason: To prevent smell disturbance to nearby dwellings in accordance with Saved Worthing Local Plan policies H18 and RES7; PPS23: Planning and Pollution Control and PPS24: Planning and Noise and **Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems** prepared by Netcen on behalf of Department for Environment, Food and Rural Affairs January 2005.

Informative: The applicant is advised to contact Food and Occupational Health, Housing, Health and Community Safety Department., Adur District Council and Worthing Borough Council Room 116-122, Civic Centre, Ham Road, Shoreham-by-

Sea, West Sussex, BN43 6PRY in respect of for the detail of the ventilation and extraction system and an odour management plan to discharge condition 3.