RECOMMENDATION SHEET

Ward: CEN

APPLICATION NO: WB/09/0967/FULL

LOCATION : Que Pasa 56 Chapel Road Worthing

PROPOSAL :

Application to renew temporary planning permission for the use of part of the public highway for the siting of tables and chairs and compliance with Condition 2 to provide no more than 3 tables and 3 chairs per table - Renewal of WB/08/1129/FULL. Permanent permission sort.

OFFICER : Mr P Devonport TEL: (01903) 221345

APPLICANT:	Special Plans	**AGENT:**
Marston's PLC Marston's House Brewery Road Wolverhampton West Midlands WV1 4JT		Miss J Phillips Marston's House Brewery Road Wolverhampton West Midlands WV1 4JT

Agent's Tel No:

DATE REGISTERED: 27th November 2009

DATE ADVERTISED: 10th December 2009

DATE ADVERT EXPIRES: 31st December 2009

EXPIRY DATE: 22nd January 2010

NEIGHBOUR NOTIFICATIONS	STATUTORY SITE NOTICE	SITE NOTICE
Init. Letter : Extra Cons : Expiry Date : 23.12.09	Date Posted : Expiry Date :	Date Posted : Expiry Date :

EARLIEST DATE DECISION POSSIBLE :

TARGET DATE:

COMM/DEL DATE:

INITIAL ASSESSMENT : P1108/91394/02A (~~[illegible]~~) and unnumbered site plan

RECOMMENDATION :- **CONSENT/REFUSE/APPROVE**

SUBJECT TO/ON THE GROUNDS THAT :- (Continued overleaf)

DELEGATED DECISION CONFIRMED BY DCM BY : PLP 22/1

D[redacted]ER [redacted] 1/10

DATE DESPATCHED BY : LKT 22/1/10.

DELEGATED APPLICATIONS

ASSESSMENT SHEET

APPLICATION NO./ADDRESS

WB/09/0967/FULL

WB/08/1129/FULL

Que Pasa
56 Chapel Road
Worthing

DESCRIPTION OF DEVELOPMENT

Application to renew temporary planning permission for the use of part of the public highway for the siting of tables and chairs and compliance with Condition 2 to provide no more than 3 tables and 3 chairs per table - Renewal of WB/08/1129/FULL. Permanent permission sought.

The new scheme reproduces the tenor of the approved arrangements. Although the submitted scheme sought planning permission for there tables of four chairs four tables, this was reduced to three tables of three chairs under condition 2 with the layout reserved by condition 4 (details supplied 28.1.09) to minimise visual impact and to safeguard pedestrian access along Chapel Road. The approved scheme as subsequently laid out entails annexing two separate areas in front of the Chapel Road frontage between the two sets of outer doors and the central doors. The areas are 1.4 metres deep and 3.2 metres and 1.6 wide, respectively. Metallic style tables and chairs and metallic barriers were placed on the pavement in accordance with the planning permission in groups of two either side of the entrance but connecting ropes to delineate the areas also added. No planters, or patio heaters are proposed or have been stationed here but an A Board and bicycle were present for most of the original trial period subsequently removed but then reinstated.

This is a renewal of a temporary one year planning permission granted in December 2007 (WB/07/1345/FULL).

The original application sought 4 no. tables and 12 no. chairs but this was restricted by condition to 3 tables of 4 chairs. Other conditions imposed equipment to be removed by 5pm and stored inside the premises; no planters. Patio heaters or other chattels or equipment stationed on the forecourt area except by agreement with the Local Planning Authority.

DATE OF SITE VISIT: 18.12.09

NEIGHBOURS CHECKED : Y / ~~N~~

ADDITIONAL NEIGHBOUR NOTIFICATIONS (LIST ADDRESSES):

SITE AND SURROUNDINGS:

The property which is the subject of this application is a public house established in 2000 and located in the northern part of the town centre. It is surrounded by commercial uses, save the flats in Ambrose Place and Street Pauls Church opposite. The pavement here is 4.5 metres deep and opposite a pedestrian island. Parking is strictly controlled in Chapel Road which falls in a Controlled Parking Zone. The nearest public house is Sir Timothy Shelley to the south which has no seating for patrons due to narrowness of the pavement The existing building is a 3 storey art deco former gas show room and falls within a Conservation Area and close to the listed St Pauls Church. It also falls within designated Secondary Area of the Central Shopping Area in the Saved Worthing Local Plan.

RELEVANT PLANNING HISTORY:

Planning permission was granted on 16.1.09 under WB/08/1129/FULL for temporary use of part of the highway for 3 tables of 3 chairs under condition 2 of the planning permission and precise details of the layout reserved under condition 4 (supplied 28.1.09) , with other restrictions on operating times and other chattels permitted to be sited. The remaining history is as follows

Application Number	Development Description	Decision	Decision Date	Appeal Decision	Appeal Decision Date
00/00018/FULL	Change of use of ground floor from retail (Class A1) and part of first floor, rear (Class B1) offices into Class A3 (food and drink); use of basement for ancillary storage, two storey rear extension with fire escape staircase and new shop front	GRANT CONDITIONAL CONSENT	22-05-2000		
00/00749/ADV	Installation of externally illuminated fascia sign, one internally illuminated projecting sign and various non illiminated and externally illuminated amenity signs	GRANT ADVERTISMENT CONSENT	11-09-2000		
00/01068/FULL	Variation of condition 2 of planning permission WB/00/00018/FULL to extend opening hours of premises as follows :- 23/12/00, 24/12/00 and 26/12/00 until 12.20am;	GRANT CONDITIONAL CONSENT	19-12-2000		

	30/12/00 - 12.20am and 31/12/00 - 01.20am				
06/0182/FULL	Variation of condition 2 of Planning Permission WB/00/00018/FULL to allow closing times of 2am on any day. **Appeal allowed conditionally** - Extract from The Planning Inspectorate letter dated 19.02.2007 - "For a period of one year, commencing on the date of this permission, the premises shall not be open to customers outside the hours of 08.00 to 02.00 on the following day. After the aforementioned period of one year ends, the premises shall not be open to customers outside the hours of 08.00 to 24.00".	REFUSE THE APPLICATION	28-03-2006	APPEAL ALLOWED - CONDITIONAL CONSENT	19-02-2007
07/1262/FULL	Erection of single storey covered Pergola structure for alfresco dining, drinking and for smoking.	REFUSE THE APPLICATION	17-12-2007		
07/1345/FULL	Change of use of highway for the siting of tables and chairs. (4 no. tables and 12 no. chairs).	GRANT CONDITIONAL CONSENT	17-12-2007		
08/0159/FULL	Renewal of temporary planning permission (WB/06/0182/FULL) for the variation of condition 2 of planning permission WB/00/00018/FULL to allow closing times of 2am on any day.	WITHDRAWN	10-03-2008		
08/0165/FULL	Erection of single storey covered Pergola structure at rear for alfresco dining, drinking and smoking and replacement of existing timber boundary fence with solid wall.	GRANT CONDITIONAL CONSENT	12-05-2008		
08/0177/FULL	Application for permanent variation of Condition 2 of planning permission WB/00/00018/FULL to extend the opening hours.	GRANT CONDITIONAL CONSENT	22-04-2008		
08/1129/FULL	Renewal of temporary planning permission (WB/07/1345/FULL) for the continued use of highway for the siting of tables and chairs. (3 no. tables and 12 no. chairs).	PENDING			

1022/85/A	INSTALLATION OF A SET OF NON-ILLUMINATED STAINLESS STEEL LETTERS AND TWO INTERNALLY-ILLUMINATED PROJECTING BOX SIGNS. 56 CHAPEL ROAD	APPROVED WITH CONDITIONS	02-12-1985		
1023/85	RETROSPECTIVE APPLICATION FOR ERECTION OF CANOPY ON FRONT ELEVATION. 56 CHAPEL ROAD	APPROVED WITH CONDITIONS	02-12-1985		
13/61	ERECTION OF VHF TRANSMITTER/RECEIVER AERIAL ON ROOF OF BUILDING. 56 CHAPEL ROAD	APPROVED	07-02-1961		
196/86/A	INSTALLATION OF INTERNALLY-ILLUMINATED FASCIA AND PROJECTING BOX SIGNS 56 CHAPEL ROAD	APPROVED WITH CONDITIONS	01-04-1986		
278/61	ALTERATIONS TO EXISTING SHOPFRONT. 56 CHAPEL ROAD	APPROVED	04-04-1961		
470/90	INSTALLATION OF A KEY CHARGING UNIT TO THE EXTREME RIGHT OF FRONT WINDOW. (SEEBOARD PLC) 56 CHAPEL ROAD **APPEAL DECISION**	REFUSED	09-07-1990	REFUSED	31-10-1991
506/79/A	RETROSPECTIVE APPLICATION FOR THE INSTALLATION OF A DOUBLE-SIDED INTERNALLY-ILLUMINATED PROJECTING BOX SIGN. 56 CHAPEL ROAD	APPROVED WITH CONDITIONS	15-06-1979		
793/85	RETROSPECTIVE APPLICATION FOR THE ERECTION OF A SPIRAL STAIRCASE AT REAR. 56 CHAPEL ROAD	APPROVED WITH CONDITIONS	23-09-1985		
876/73/A	INSTALLATION OF AN INTERNALLY-ILLUMINATED DOUBLE-SIDED PROJECTING BOX SIGN AT FASCIA LEVEL. 56 CHAPEL ROAD	APPROVED WITH CONDITIONS	07-08-1973		
96/0757/A	INSTALLATION OF INTERNALLY-ILLUMINATED FASCIA SIGN AND ONE INTERNALLY-ILLUMINATED	REFUSED	09-12-1996		

	PROJECTING BOX SIGN. 56 CHAPEL ROAD		
97/0448/A	INSTALLATION OF INTERNALLY-ILLUMINATED FASCIA SIGN COMPRISING ONE SET OF BUILT-UP LETTERS AND ONE BUILT-UP PERSPEX BOX. 56 CHAPEL ROAD	REFUSED	07-07-1997
97/0716/A	INSTALLATION OF AN EXTERNALLY-ILLUMINATED FASCIA SIGN. 12A WYKE AVENUE	REFUSED	14-10-1997
98/0069/A	APPLICATION FOR ADVERTISEMENT CONSENT FOR THE INSTALLATION OF 12 NON-ILLUMINATED BANNER SIGNS ON NOS. 2, 9, 12, 14A, 17, 22/26, 27, 43/45, 55 AND 56 CHAPEL ROAD AND NOS. 110 AND 137 MONTAGUE STREET.	REFUSED	17-03-1998
99/00050/FULL	Change of use of existing ground floor shop (class A1) into Class A3 (Food and Drink) with ancillary basement storage	GRANT CONDITIONAL CONSENT	23-02-1999
99/00850/FULL	Change of use of ground floor (class A1) and first floor (class B1) into class A3 (food and drink) and use of part of basement for ancillary storage	REFUSE THE APPLICATION	22-11-1999
ADVT/1201	INTERNALLY-ILLUMINATED DOUBLE-SIDED PROJECTING BOX SIGN. 56 CHAPEL ROAD	REFUSED	22-10-1965
ADVT/811	INSTALLATION OF ILLUMINATD FASCIA SIGN CONSISTING OF BLACK AND YELLOW LETTERING ON GREY BACKGROUND TO READ `SEEBOARD - 56'. 56 CHAPEL ROAD	APPROVED WITH CONDITIONS	02-05-1961

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

Saved Worthing Local Plan Polices BE1, H18, S10 and RES7
PPS1: Delivering Sustainable Development
PPG13: Transport
PPG15: Planning and the Historic Environment
PPS4: Planning for Sustainable Economic Growth

REPRESENTATIONS AND RELEVANT CONSULTATION RESPONSES :

Highway Authority;

This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals which include up to 5 residential units or extensions to single units accessed from roads that do not form part of the Strategic Road Network (SRN). As such the comments provided by Local Development should be considered to be advice only, with respect to this planning application.

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available map information.

I refer to your consultation in respect of the above planning application and would provide the following comments.

Although the tables and chairs described in the application are appropriate, in practice too much pavement space is being taken up. They add additional chairs and also have an A board. I would advise that the LPA impose a condition to remedy this.

The applicant should also be aware that a Highway Licence with WSCC is also required and a condition should be added to the effect that placing an A board out in addition to the tables and chairs will render the licence void.

INFORMATIVE
The applicant is advised to contact the Area Engineer, West Sussex County Council, Clapham Common, Clapham, Worthing, BN13 3UR, (Tel no: 01903 878500)to obtain formal approval and the necessary license from the highway authority to place the items within the public highway.

West Sussex County Council tables and chairs likening: current license for 3 tables of three chairs issued with conditions.

Draft guidance on maximum extent of chairs and tables on highway in Chapel Road issued for consultation with Worthing Borough Council , showing maximum depth of 1.6 metres from the front of the premises along the width of the premises

Environmental Health Manager : No objections

Sussex Police: No objections

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)

Temporary planning permissions have been granted twice to monitor the impact of the scheme in practice on the town centre and recently also to assess how the scheme relates to recent pedestrian improvements to Chapel Road. The new draft guidance issued by the Highway Authority for consultation is also relevant. As such, the principal issues raised by this proposal are:-

- Acceptability of principle and impact on vitality and viability of the town centre
- Impact on the amenity of neighbours
- Impact on the appearance of the property and character of the Conservation Area and setting of listed building
- Impact on access
- Impact on crime and disorder

Acceptability of principle and impact on vitality and viability of the town centre

The parent premises are an established feature of this part of the town centre and A3 uses (predating recent revisions to Use Classes Order) permit A3 uses in this Secondary area. There are no such forecourt uses closeby and the proposals would appear somewhat anomalous. However, the contrast is not unacceptable as the proposal adds to street life, vitality and colour and meets a need for a patrons' smoking area. The pedestrian improvements to Chapel Road have been implemented since the last planning and enhance pedestrian safety and encourage pedestrian activity in this vicinity. They generally increase pavement area and rationalise parking/loading space. The seating area does not to conflict with this and is, accordingly, compatible.

Impact on the amenity of neighbours and crime and disorder

This is a commercial area but the applicants have agreed to restrict the use to 5pm and this is enshrined in a condition. Given this and the small area used together with the ambient noise and activity levels and separation distance to nearest residential dwellings, no unacceptable impact results. The temporary trial planning permissions has not resulted in any complaints in practice or crime and disorder issues.

Impact on the appearance of the property and character of the Conservation Area and setting of listed building

The proposed 3 tables of 3 seats and allied apparatus, neatly set back has not been visually obtrusive and the apparatus design is good quality. As such it is modest in scale and not out of keeping with the commercial function of the town centre and

parent premises. No significant harm to the Conservation Area or the setting of the listed St Pauls Church would result. Further clutter may be controlled by condition. This includes the A board

Impact on access

The 3 tables of 3 seats and allied apparatus are clear of the main pedestrian desire line and have not impacted on safety or convenience).

The modified scheme accords with the License issued by the Highway Authority and the draft guidelines prepared by the same. That said, this guidance is still evolving and for this reason it is appropriate that the planning permission is once again made temporary in order to ensure the scheme relates to the finalized guidance. The A Board may be restricted by condition to be sited within the envelope of the tables and chairs to address the Highway Authority concerns.

RECOMMENDATION:

Grant Permission subject to 1 year temporary restricted to 3 tables of 3 chairs; .equipment to be removed by 5pm and stored inside the premises; no planters. Patio heaters or other chattels or equipment stationed on the forecourt area except by agreement with the Local Planning Authority; A Board restricted to the envelope formed by the tables and chairs and no further from any part of the front of the premises than one metre and not on any part of the highway which is not directly in front of the premises.

REASONS FOR RECOMMENDATION:

The proposal is acceptable in principle in the town centre and the limited number of covers would not harm the visual appearance of the area, would not restrict unduly pedestrian movement; would not give rise to unacceptable neighbour amenity impacts or crime and disorder and accords with the relevant policies of the Development Plan. However, a temporary planning permission is appropriate to ensure any permanent scheme is compatible with guidance under preparation by Worthing Borough Council and the Highway Authority for alfresco eating and drinking in the town centre.

Saved Worthing Local Plan Polices

BE1, H18, S10 and RES7
PPS1: Delivering Sustainable Development
PPG13: Transport
PPG15: Planning and the Historic Environment
PPS4: Planning for Sustainable Economic Growth

National Policy

PPS1: Delivering Sustainable Development
PPG13: Transport

PPG15: Planning and the Historic Environment
PPS6: Planning For Town Centres

IS RECOMMENDATION CONTRARY TO LETTER(S) OF REPRESENTATION?
Y / ~~N~~

DELEGATED

Case Officer sign..... [redacted] Date..... 22.1.10

Authorising Officer sign..... [redacted] Date..... 22.1.10.