## DELEGATED APPLICATIONS

## ASSESSMENT SHEET

APPLICATION NO./ADDRESS

WB/11/0097/FUL

33 Warwick Street
Worthing

DESCRIPTION OF DEVELOPMENT

Variation of condition 1 of planning permission WB/09/0512/FULL to extend the time limit for the use of Warwick Street as an alfresco dining area for the stationing of 12 chairs and 3 tables and for the installation of an external awning on the front elevation. (permanent permission sought)

This follows grant of planning permission WB/09/0512/FULL on a temporary one year basis. This was a retrospective application for the installation of an awning on front elevation and provision of outside tables and chairs (3 tables 12 chairs)

The awning was originally erected some time before April 2009 and the tables and chairs appear to predate these.

The arrangements have not materially changed sine the granting of the planning permission. In this respect the awning is plain red canvas and is shown on the submitted plans as extending to 2.2 metres from the forward most part of the shop front, though in recent times this has been reduced to 1.23 metres. It is fixed to the wall behind the shopfront bay by white metal structure . Its supporting frame is a matching white metal.

The tables and chairs are simple white coated metal and are sited in front of the main bay just inside the street gutter, roughly 3ms from the shopfront bay as show in the submitted drawings. The area to the east, adjacent the canopy to Warwick Parade is left free. There are no barriers or other street furniture provided.

The Design and Access Statement explains the searing and awing will only be in operation between 8am and 4pm.

DATE OF SITE VISIT: 7.4.11

NEIGHBOURS CHECKED : Y / ~~N~~

ADDITIONAL NEIGHBOUR NOTIFICATIONS (LIST ADDRESSES):

SITE AND SURROUNDINGS:

The property which is the subject of this application is a 3 storey mid terraced Victorian property in a busy shopping street in the heart of the town centre. Planning permission was granted in March 2008 for use of the ground floor for A3/A5 use (food and drink) with take away facility and first floor A3 restaurant area.

Warwick Street is pedestrianised and features many A3 and A4 uses. The property is within a Conservation Area and the building is indicated as a positive contributor because of its period character. There are commercial uses at ground floor either side, the east side, separated by a narrow alley leading to more shops. There is an upper floor flat to the west by 31A. There is no back yard.

RELEVANT PLANNING HISTORY:

| Application Number | Development Description | Decision | Decision Date | Appeal Decision | Appeal Decision Date |
|---|---|---|---|---|---|
| **03/00742/ADV** | Installation of 5 non illuminated directional signs at junction to Montague Street and Montague Place, Portland Road, Bath Place, Royal Arcade and Warwick Lane junction to Warwick Street | WITHDRAWN | 04-08-2003 | | |
| **04/00611/ADV** | Installation of three non-illuminated directional signs in the Montague Street Precinct (at junctions with Montague Place, Portland Road and Field Row) and one non-illuminated directional sign in Warwick Street rear of Warwick Lane and Stanford Square. | GRANT ADVERTISMENT CONSENT | 09-07-2004 | | |
| **08/0094/FULL** | Retrospective application for the change of use from Class A1 (retail) to ground floor A3/A5 use (food and drink) with take away facility and first floor A3 restaurant area. | GRANT CONDITIONAL CONSENT | 07-04-2008 | | |
| **09/0512/FULL** | Retrospective application for the installation of an awning on front elevation and provision of outside tables and chairs (3 tables 12 chairs) | APPROVED | 12TH January 2010 | | |
| **1011/67** | ERECTION OF SINGLE-STOREY EXTENSION AT REAR OF SHOP & USE OF 2ND & 3RD FLOORS FOR OFFICES, TOILET & STORAGE IN | WITHDRAWN | | | |

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|---|---|---|---|
| | CONNECTION WITH GROUND FLOOR SHOP & 1ST FLOOR ACCOMMODATION. 33 WARWICK STREET & 9 & 10 WARWICK LANE | | |
| **445/83** | ALTERATIONS & CHANGE OF USE OF 1ST FLOOR FROM STORAGE TO OFFICE WITH ANCILLARY STORAGE & CHANGE OF USE OF STORE AT REAR OF GROUND FLOOR SHOP TO 2 RETAIL UNITS AS EXTENSION TO WARWICK LANE SHOPPING DEVELOPMENT TOGETHER WITH ASSOCIATED ALTERATIONS & SITING OF PEDESTRIAN ROUTE. 33 WARWICK STREET & UNITS 9 & 10 WARWICK LANE | APPROVED WITH CONDITIONS | 14-06-1983 |
| **493/68/A** | BLOCK 9" NON-ILLUM LETTERS TO READ "CONCORD CARPETS" FIXED TO SUB-FASCIA. 33 WARWICK STREET | WITHDRAWN | |
| **601/74** | C/U TO EST AGENTS OFFICE & SURVEYORS OFFICE. 33 WARWICK STREET | REFUSED | 13-08-1974 |
| **777/68** | ERECTION OF A ROOF OVER EXISTING YARD AT REAR OF SHOP PREMISES. 33 WARWICK STREET | WITHDRAWN | |
| **809/67** | SINGLE-STOREY EXTENSION TO REAR OF SHOP PREMISES AND CHANGE OF USE OF FIRST, SECOND & THIRD FLOORS FROM RESIDENTIAL TO ANCILLARY STORAGE, ETC. 33 WARWICK STREET & NOS.9 & 10 WARWICK LANE | REFUSED | 14-11-1967 |
| **817/83** | CHANGE OF USE OF 1ST FLR FROM STORAGE/OFFICE TO SALES AREA & INSTALLATION OF A NEW SHOPFRONT. 33 WARWICK STREET | APPROVED WITH CONDITIONS | 31-10-1983 |

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|---|---|---|---|
| **83/66** | NEW SHOPFRONT. 33 WARWICK STREET | WITHDRAWN | |
| **ADVT 165** | PROPOSED DOUBLE SIDED OVERHANGING ILLUMINATED METAL SIGN TO BE ERECTED AT FIRST FLOOR LEVEL ADVERTISING "SANDERSON PORT" NO.33 WARWICK STREET | REFUSED | 10-04-1954 |
| **ADVT/1252** | INTERNALLY ILLUMINATED FASCIA BOX SIGN TO READ "FINDLATER PRENTIS WINE MERCHANTS" NO.33 WARWICK STREET. | APPROVED WITH CONDITIONS | 22-02-1966 |

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

Saved Worthing Local Plan Polices BE1, H18, S8 and RES7
South East Plan Policies BE1 and BE6
PPS1: Delivering Sustainable Development
PPG13: Transport
PPG15: Planning and the Historic Environment
PPS4: Planning for Sustainable Economic Growth

REPRESENTATIONS AND RELEVANT CONSULTATION RESPONSES :

None.

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: (

The principle of the scheme was established in the previous planning permission where it was assessed in terms of :

- 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 buildings
- Impact on access
- Impact on crime and disorder

The full appraisal is set out in the attached officer report.

However, it was allowed on a temporary trial basis to allow the impact to be monitored but above all to allow time for the proposed Warwick St alfresco eating /drinking plan to be developed and the seating scheme at 33 Warwick St to be reviewed and refined in this light. This Plan is a joint West Sussex County Council Highway Authority and Worthing Borough Council Planning initiative and would also embrace the Town Centre Initiative, The Police and traders. Work began in 2010 and informed the determination of the last planning permission but has not progressed any further since that time due to lack of resources. It currently comprises draft plans prepared by the Highway Authority, principally to meet its highway safety objectives and also informs the Highway Authority inputs to allied licensing application for stationing of chairs and tables on the pavement.

The applicant is now anxious to secure a permanent planning permission to provide the certainty he seeks and to avoid the cost and inconvenience of repeated temporary planning permission whilst the Council progresses its proposed Warwick St alfresco eating /drinking plan.

The issue is whether a further temporary is justifiable in the circumstances to allow for the Council to progress its proposed Warwick St alfresco eating /drinking plan to an appropriate stage to ensure the scheme at 33 Warwick St harmonises in an optimal fashion, or, whether a permanent planning permission is now justified in view of the applicant's commercial aspirations.

Certainly, the scheme at 33 Warwick St has not given rise to any problems in practice. The prospects of advancing the Warwick St alfresco eating /drinking plan do seem limited in the current climate and so further delay is likely. The value of such further refinement of the scheme may be considered questionable in this case, in any event, as the scheme at 33 Warwick St is consistent with the draft Warwick St alfresco eating /drinking plan. Moreover, Circular 11/95 advises in paragraphs 112 that :

*A second temporary permission should not normally be granted. A trial period should be set that is sufficiently long for it to be clear by the end of the first permission whether permanent permission or a refusal is the right answer. Usually a second temporary permission will only be justified where highway or redevelopment proposals have been postponed, or in cases of hardship where temporary instead of personal permission has been granted for a change of use.*

It would be difficult to justify a further temporary planning permission on grounds of prematurity of a non statutory plan with no official status in this light.

Planning permission is justified, on balance. The other conditions imposed remain justified

RECOMMENDATION:

Grant Permission subject to restriction on 3 tables and 11 chairs; chairs; .equipment to be removed by 8pm 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; notwithstanding the submitted drawings , the depth of the seating/ area is to be restricted to 2.7 metres from the shopfront bay; ; notwithstanding the submitted drawings the awing is not to be fully extended and is kept to a depth of 1.23 metres from the shopfront so that the height at the edge closest to the street is 1.98 metres; remove tables and chairs by 8pm each night and store in premises; no barriers, patio heaters, planters, lighting etc .

REASONS FOR RECOMMENDATION:

The proposal is acceptable in principle in the town centre and the reduced depth of seating areas and reduced number of covers, together with restrictions on the awing depth and height 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. A permanent planning permission is, on balance, justifiable, notwithstanding the emerging Warwick Street alfresco eating plan.

**Saved Worthing Local Plan Polices**

BE1, H18, S8 and RES7
PPS1: Delivering Sustainable Development
PPG13: Transport
PPG15: Planning and the Historic Environment
PPS4: Planning for Sustainable Economic Growth

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

**DELEGATED**

Case Officer sign.....[redacted].....Date.....8/4/11.....

Authorising Officer sign.....[redacted].....Date.....13·4·11.....