DELEGATED APPLICATIONS

ASSESSMENT SHEET

APPLICATION NO./ADDRESS

WB/11/0020/FULL

338 Goring Road
Worthing
West Sussex

DESCRIPTION OF DEVELOPMENT

Change of use from A1 Butcher/Pie manufacturer to A5 Hot Pie Takeaway

The application is supported by a floor plan showing a counter, display unit and customer waiting area at the front; oven/freezer and preparation area at the back and office and WC at the very rear.

The use occupies the entire unit of 55 sq metres floopspace.

No details of the ventilation and extraction system for food cooking odours has been submitted other than reference to the existing grille at the rear and condenser units place don the ground outside the building at the rear .

No external physical works are shown.

Trading hours of 10am to 10pm Mon to Sat; closed Sundays ; 4 jobs would be generated.

Refuse disposal would be weekly collection as at present.

DATE OF SITE VISIT: 21.6.11

NEIGHBOURS CHECKED : Y / ~~N~~

ADDITIONAL NEIGHBOUR NOTIFICATIONS (LIST ADDRESSES):

SITE AND SURROUNDINGS:

The property which is the subject of this application is a mid terrace ground floor unit in a 3 storey purpose built 1960s parade of shops with two floors of flats above. It has been occupied by the butchers for many years. The parade is located in the Core zone of Mulberry Neighbour Centre as designated in the Saved Worthing Local Plan. It sits on the western edge of the centre on the north side of Goring Road in an enclave set behind a deep green, fronting the road with its own service road in front and dedicated service yard and parking at the rear. Access to the flats is from the western flank via some external stairs. The commercial units on the ground floor

extend at the rear and their roofs form a shallow pedestrian access area and terrace for the flats. To the rear of the service yard are the houses in Mulberry Gardens and a builders yard. Immediately the east is another parade with flats above which includes a roof terrace area and facing windows of the nearest flat. The flats in Willoughby House to the west are remote and there are shops on the southern side of Goring Road .

RELEVANT PLANNING HISTORY:

Application Number	Development Description	Decision	Decision Date	Appeal Decision	Appeal Decision Date
1020/67	NEW SHOPFRONT (UNIT 5). 338 GORING ROAD.	APPROVED WITH CONDITIONS	26-01-1968		
11/0020/FULL	Change of use from A1 Butcher/pie manufacturer to A5 Hot Pie Takeaway	PENDING			
123/66	CONSTRUCTION OF NEW STREET AND SEWERS. 1-22 CONSEC MULBERRY GARDENS, 334-360 EVEN GORING ROAD.	APPROVED WITH CONDITIONS	12-04-1966		
1242/78/A	INSTALLATION OF A NON-ILLUMINATED POSTER DISPLAY SHOWCASE. 334-360 EVEN GORING ROAD.	APPROVED WITH CONDITIONS	02-02-1979		
1296/73	ERECTION OF A SINGLE-STOREY ADDITION OF 2 STORE ROOMS AND A DUSTBIN ENCLOSURE. REAR OF 340-346 EVEN GORING ROAD.	APPROVED WITH CONDITIONS	10-12-1973		
154/67/A	ERECTION OF A NON-ILLUMINATED NOTICE BOARD ADVERTISING 7 SHOPS AND MAISONETTES. 334-360 GORING ROAD.	APPROVED WITH CONDITIONS	10-03-1967		
232/65	OUTLINE APPLICATION FOR THE ERECTION OF 20 X 2-STOREY 2-BEDROOM HOUSES IN 4 BLOCKS AND 1 BLOCK OF 20 GARAGES AND THE CONSTRUCTION OF NEW ROADS. 2-22 CONSEC MULBERRY GARDENS, 334-360 EVEN GORING ROAD	APPROVED WITH CONDITIONS	30-07-1965		
512/67	REVISED PROPOSALS FOR THE CONSTRUCTION OF NEW STREETS AND SEWERS SHOWING TARMAC ROAD AND PAVEMENTS. 1-22 CONSEC MULBERRY GARDENS, 334-360 EVEN GORING ROAD.	APPROVED WITH CONDITIONS	14-07-1967		
541/65	ERECTION OF A 3-STOREY BLOCK OF 7 SHOPS AND MAISONETTES WITH CAR PARKING AND SERVICE ROAD AT REAR AND FRONTAGE SERVICE ROAD. 334-360 EVEN GORING ROAD (NORTH AND SOUTH SIDE CAR PARKING SPACES, MULBERRY GARDENS).	APPROVED WITH CONDITIONS	22-10-1965		
541A/65	REVISED PLANS FOR THE ERECTION OF A 3-STOREY BLOCK OF 7 SHOPS AND MAISONETTES WITH CAR PARKING AND SERVICE YARD AT REAR, SHOWING FURTHER DETAILS OF DEVELOPMENT AND AMENDMENTS TO ELEVATIONS. 334-360 EVEN GORING ROAD NORTH AND SOUTH-SIDE CAR PARKING SPACES, MULBERRY GARDENS.	APPROVED WITH CONDITIONS	23-09-1966		
541B/65	REVISED PLANS FOR THE ERECTION OF A BLOCK OF 7 SHOPS AND MAISONETTES INCLUDING AMENDED ELEVATIONS. 334-360 EVEN GORING ROAD.	APPROVED WITH CONDITIONS	14-10-1966		

561/63	OUTLINE APPLICATION FOR DEVELOPMENT OF LAND AS A SITE FOR SHOPS AND OFFICES. 334-360 EVEN GORING ROAD (SOUTH SIDE CAR PARKING SPACE, MULBERRY GARDENS).	APPROVED WITH CONDITIONS	15-10-1963
675/64	OUTLINE APPLICATION FOR THE DEVELOPMENT OF THE SITE BY THE ERECTION 5 SHOPS WITH OFFICES AND/OR MAISONETTES ABOVE, AND 5 GARAGES WITH PARKING SPACES AND SERVICE ROAD. 334-360 EVEN GORING ROAD, (SOUTH SIDE CAR PARKING SPACE, MULBERRY GARDENS)	APPROVED WITH CONDITIONS	27-10-1964
71/65	OUTLINE APPLICATION FOR THE ERECTION OF 20 X 2-STOREY TOWN HOUSES IN 4 BLOCKS AND 2 SEMI-DETACHED BUNGALOWS AND ONE BLOCK OF 10 GARAGES AND CONSTRUCTION OF NEW ROADS ETC. 1-22 CONSEC MULBERRY GARDENS, 334-360 EVEN GORING ROAD.	WITHDRAWN	
9/67	ERECTION OF A 3-STOREY BLOCK OF 7 SHOPS AND MAISONETTES SHOWING REVISED SITING AND WIDTH OF PAVEMENT ADJACENT TO SERVICE ROAD. 334-360 EVEN GORING ROAD.	APPROVED WITH CONDITIONS	27-01-1967
ADVT/1330	ERECTION OF ADVERTISEMENT HOARDING CONSISTING OF 7 INDIVIDUAL BOARDS SITUATED ON FRONTAGE OF SITE TO BE DEVELOPED AT THE JUNCTION OF MULBERRY LANE AND GORING ROAD. 334-360 GORING ROAD.	REFUSED	14-11-1966
ADVT/445	CONTINUED DISPLAY OF FREE-STANDING SIGN ADVERTISING PATCHING & CO LAND AND PROPERTIES FOR SALE ETC. 334-360 GORING ROAD	REFUSED	04-06-1957

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

Saved Worthing Local Plan Polices H18 , TR9, S11 and RES7
Core Strategy Policies 6 and 16
Planning Policy Statement: 1 Delivering Sustainable Development
PPG13: Transport
PPSS24 : Planning and Noise
PPS4: Planning for Sustainable Economic Growth
PPS23: Planning and Pollution Control
Core Strategy Policy 6

REPRESENTATIONS AND RELEVANT CONSULTATION RESPONSES :

Policy Manager

We still have saved policy S11 from the Local Plan which allows a CoU from A1 to A3 (clearly at the time of the Local Plan there was no A5 user class but A3 at the time was a use relating to hot food consumption.

338 Goring Road is in the core area of the Mulberry shopping centre, so S11 applies as the Core Strategy has not superseded this policy.

Providing that the remaining clauses in S11 are adhered to – i.e. having no adverse effect on neighbouring properties, does not intensify car parking and does not result in a non retail frontage of more than 20 metres (which it should not do as No 340 is an A1 use) then there should be no policy issue with the CoU

Economic Development Manager

Economic Development has no objection to this application.

The Executive Head of Health and Community Safety

Add conditions requiring submission/ approval/implementation of ventilation and extraction system for food cooking odours and noise assessment for same; trading controlled to protect residential amenity.

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 WSCC map information. A site visit can be arranged on request.

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

Based on the submitted information there would be no anticipated highway safety issues with this proposal.

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:-

- Principle of change of use
- Impact on the amenity neighbouring occupiers
- Impact on the integrity of the design of the property and character of the townscape.
- Access and parking

Principle of development

Saved Worthing Local Plan S11 states:

> *Within the retail core of the district and neighbourhood shopping centres, the change of use of ground floors from a shop (A1) to other uses will not normally be permitted. Exceptions may be granted where:*
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> *(i) the use is an A2 or A3 use; and*
>
> *(ii) the proposal causes no significant adverse effects for the occupiers of neighbouring properties; and*
>
> *(iii) the proposal does not intensify car parking problems; and*
>
> *(iv) the use does not extend or result in a block of non-retail uses with a frontage of more than 20 metres or result in the proportion of non-shop uses within the retail core exceeding 35%.*

Proposals for uses outside the A1, A2 or A3 Use Classes will not normally be permitted within the retail core of these centres. However, other uses which would enhance the vitality and viability of a shopping centre may be permitted.

As the proposal entails a change from A1 to A5 (embraced within A3 class at the time of adoption of Saved Worthing Local Plan), the principle of the proposal is acceptable subject to the conditions (i) to (iv).

The Policy Manager has previously advised that, despite more than 35% of the retail core in non-A1 use in the last survey(2005), the last health check shows the centre functioning well. Adjoined by a hairdressers (A1) and a narrow frontaged vacant betting shop (A2) (with unimplemented planning permission for change of use to A5 – WB/10/0975/FULL in February 2011) and travel agency beyond this, the proposal would not result in the creation of an extended non- retail frontage. The Policy Manager concurs with this view.

That said, there are concerns that the centre is beginning to face a more challenging future against the background of the protracted national economic slow down, competition from supermarkets and e-retailing. Indeed, this is very much the driving force behind the application, the applicant reporting that business has been slowly declining over the years and the parade no longer contains a traditional daily needs retailer such as a grocer, newsagent etc and the butchers finds itself increasingly physically isolated. The parade already contains one long established takeaway and, if the recent planning permission is implemented, the current proposal would

aggregate to three. This, however, may be the future of this parade in these circumstances and the advantage of the current applicants' business model is that the sale of hot pies would be a day time as well as evening attraction and is an unusual product. Potentially, it is a draw which would add to the vitality and viability of the parade and centre.

The site is in designated centre in a sustainable urban location.

Impact on the amenity of neighbours

There is scope for disturbance from noise and odours associated with the ventilation and extraction system at the rear and the gathering and coming and goings of customers at night at the front. This is a result of a combination of circumstances. Firstly, flats sit above and to the side of the premises and the flats above are already subject to some disturbance from the takeaway in the parade through its rear ground floor level ventilation duct and the refrigeration units sited on the ground at the rear serving the butchers, next door to the application site. Secondly, details of the ventilation and extraction system are scant. Thirdly, the siting of any ventilation and extraction system is effectively limited to the ground floor which is a sub optimal solution in odour dispersal terms. Taking the ducting above the eaves of the block would be preferable otherwise, but, in this case, would be unsightly and impractical as well as cause the flat dwellers disturbance due to the physical form of the block and breach the precedent of the existing takeaway arrangements.

However, there is clear precedent in the treatment of the recent application for change of use to A5 at neighbour No 336 –WB/10/0975/FULL in February 2011. Here details of the ventilation and extraction system were also sketchy but The Executive Head of Health and Community Safety was satisfied that an A5 use could operate acceptably in the premises if noise and odour from the ventilation and extraction system were suitably controlled by conditions and trading hours were restricted. The Executive Head of Health and Community Safety takes a similar stance in the current application and conditions are recommend to achieve this. This would provide the opportunity to control the existing condensers serving the fridge which are noisy.

In this light and bearing in mind this is a mixed use purpose built parade in an established retail centre where there are already several take always/cafe, including one in the parade and the approved scheme at the neighbouring premises, it is considered that, despite some reservations, it would be difficult to resist the application on amenity grounds. Trading hours of 10am to 10pm are modest and acceptable in this location with additional controls to prevent refuse from the premises being taken outside after this time and no mopeds used for home deliveries to enter the rear service yard after 9pm.

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

Impact on the integrity of the design of the property and character of the townscape

No external physical works are shown.

Access and parking

The site is in a sustainable location within the core zone of a designated Neighbourhood centre, adjacent to local facilities and public transport. The centre is served by public car parks and the service road and the front of the parade provides customer parking as well as the parade benefitting from its own dedicated rear service yard.

RECOMMENDATION:

Grant Permission subject to conditions on time; approved drawings;

The use shall not commence unless and until a detailed scheme for the ventilation and extraction system has been submitted to, approved by and installed to the satisfaction of the Local Planning Authority to suppress and disperse odours produced by cooking and food preparation and suppress and mitigate noise and vibration generated by the said system. The measures shall include the installation and use of suitable ventilation and filtration equipment and the said equipment shall not exceed the maximum noise level of 52dB LAeq (5 minutes) at the terminal outlet point between 10:00 am and 10pm Monday to Saturday and shall not operate outside these times." The terminal outlet point should not be located within 2 metres of any residential window. (In addition, the equipment and ductwork are to be sufficiently isolated from the structure so as not to give rise to additional structure-borne noise or vibration both internal and external). The approved scheme shall be retained thereafter.

Reason: To ensure that unsatisfactory cooking odours outside the premises are minimised in the interests of the amenity of occupiers of nearby properties in accordance with Saved Worthing Local Plan policies H18 and RES7.

The extraction equipment installed in pursuance to Condition 3 shall not be used other than between the hours of 10am and 10pm and shall be regularly maintained in accordance with manufacturer's instructions to ensure its continued satisfactory operation and the cooking process shall cease to operate if at any time the extraction equipment ceases to function to the satisfaction of the Local Planning Authority".

Reason: that the use does not result in excessive cooking odours or noise outside the premises and that the amenity of occupiers of nearby properties is protected in accordance with Saved Worthing Local Plan policies H18 and RES7.

Trading hours 10am and 10pm

No motor vehicle shall enter the rear car park/service yard serving the shopping parade for the purpose of collecting or delivering hot food from the premises beyond 9pm.

No waste or refuse from the premise shall be removed from the rear door of the premises after 10pm.

Reason: To prevent noise disturbance to residential neighbours at unsocial times in the interests of the amenity of occupiers of nearby properties in accordance with Saved Worthing Local Plan policies H18 and RES7.

REASONS FOR RECOMMENDATION:

The proposal is in a designated centre and whilst it involves the loss of A1 retail, the overall vitality and viability of the centre would not be materially harmed. With the safeguard proposed, no unacceptable harm to neighbour amenity should arise and the site sustainably located and adequately served by parking. As such it accords with the relevant policies of the Development Plan and national policy set out below: .

Saved Worthing Local Plan Polices, H18 , RES7, TR9 and S11
Core Strategy Policy 6 and 16
Planning Policy Statement: 1 Delivering Sustainable Development
PPG13: Transport
PPSS24 : Planning and Noise
PPS4: Planning for Sustainable Economic Growth
PPS23: Planning and Pollution Control

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

DELEGATED

Case Officer sign [redacted] Date 24 6 11

Authorising Officer sign [redacted] Date 24.6.11