DELEGATED APPLICATIONS

ASSESSMENT SHEET

APPLICATION NO./ADDRESS

WB/11/0147/FULL

244 Ham Road
Worthing

DESCRIPTION OF DEVELOPMENT

Variation of Condition 4 of WB/10/1012/FULL to allow the use to operate from 8am to 8pm Monday to Friday and 8am to 6pm Saturdays

This follows approval of WB/10/1012/FULL in February for Change of Use from A1 to D1 (health care clinic) with ancillary sales and installation of aluminium shop front to replace existing. This restricted the trading hours to 8am to 6pm Mon to Sat on the basis of an incorrect transcription of the hours sought in the application form. The new application seeks to correct this.

The premises will be used for osteopathic and physiotherapy services by a local practitioner currently operating from his own residence in Lyndhurst road whose business has outgrown these premises and needs new and larger premises.

Ancillary product sales are proposed with allied shop window display.

A submitted internal layout shows internal alterations to form two treatment rooms at the front access off a corridor leading form the shopfront entrance and some reconfiguration of the rear service rooms. Internal access to the upper floor flat at the back is unaltered.

The new shopfront is powder coated aluminium in traditional style with stallriser, retained door entrance ("DDA compliant") to the side accessed via a retained external step south and fascia and pilasters. A moveable external ramp is proposed to allow wheelchair access with the option of a permanent external ramp off the side to the north, if necessary.

A security roller shutter is also proposed of the open lattice design with projecting housing below the fascia.

Proposed trading hours are 8am to 8pm Mon to Friday and 8a,m to 6pm on Saturday

One full time and 3 part time staff will be employed.

DATE OF SITE VISIT: 5.4.11

NEIGHBOURS CHECKED : Y / ~~N~~

ADDITIONAL NEIGHBOUR NOTIFICATIONS (LIST ADDRESSES):

SITE AND SURROUNDINGS:

The property which is the subject of this application is a 2 storey early twentieth century near the end of terrace/parade shop (40 sq metres floorspace), located in an inner East Worthing residential suburb, close to East Worthing railway station. The shop has traded as a music instruments shop for many years and sits next to a grocers/newsagents but the rest of the terrace is, otherwise, in residential use. Access to the shop is from Ham Road via a small open and unused private forecourt to the front door. A flat above the shop is accessed independently from the rear via an alleyway off Ham Way.

Opposite the property is a church and housing with further housing to the south and east.

The shopping parade is not designated in the Saved Worthing Local Plan.

Ham Road is a local distributor for this part of East Worthing. There are no parking restrictions outside the shops.

Application Number	Development Description	Decision	Decision Date	Appeal Decision	Appeal Decision Date
10/1012/FULL	Change of Use from A1 to D1 (health care clinic) with ancillary sales and installation of aluminium shop front to replace existing.	APPROVED	07.02.2011		
299/59	INTERNAL ALTERATIONS, NEW SHOP FRONT TO EXISTING SHOP AND FLAT OVER. 244 HAM ROAD.	APPROVED WITH CONDITIONS	07-04-1959		
299A/59	REVISED FOR ALTERATIONS TO EXISTING SHOP WITH FLAT OVER, SHOWING ALTERATIONS TO STAIRCASE. 244 HAM ROAD.	APPROVED	21-04-1959		
970/59	ERECTION OF BUILDING TO FORM STORE. 244 HAM ROAD.	APPROVED WITH CONDITIONS	01-12-1959		

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

Saved Worthing Local Plan Polices BE1, H18, S13, RES7, TR9,
Core Strategy Policy 11
Planning Policy Statement 1: Delivering Sustainable Development
PPS4: Planning for Sustainable Economic Growth
PPG13: Transport

REPRESENTATIONS AND RELEVANT CONSULTATION RESPONSES :

None.

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

The principle of the change of use was established in the planning permission WB/10/1012/FULL granted in February. The only issue for consideration in this application is the acceptability of the extended trading hours.

The proposed use (restricted by condition) is considered relatively low key and neighbourly and unlikely to give rise to any significant disturbance to neighbouring dwellings, especially against the background of the unrestricted established A1 use and the site's proximity to the busy Ham Road.

The extended trading hours are considered by the proprietor to be essential to the viability of the business as well as to provide clients with the choice and convenience expected of such a service. There is the real danger that the osteopathic and physiotherapy business would not acquire the premises which have proven difficult to let, prejudicing the aspiration of the current music shop proprietor to retire or leading to a likely significant spell of vacancy. This would be to the detriment of the local economy and the image of the area.

The 8pm curfew extends only marginally into the early evening and is well short of the 9pm curfew generally considered to be at the margin of social hours and the business operates on a small scale.

RECOMMENDATION:

Grant Permission for variation subject to conditions of WB/10/1012/FULL

REASONS FOR RECOMMENDATION:

The proposal would retain an employment use and provide a valuable community service and is sustainably located. The extended hours of operation would not give rise any unacceptable disturbance and the design of the development is acceptable. As such it does not conflict with

Saved Worthing Local Plan Polices BE1, H18, S13, RES7, TR9, +

Worthing Submitted Core Strategy Policy 11
Planning Policy Statement 1: Delivering Sustainable Development
PPS4: Planning for Sustainable Economic Growth
PPG13: Transport

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

DELEGATED [redacted]

Case Officer [redacted]
sign.....[redacted].....Date.....7 4 11.....

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