Mrs D Moore

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OFF
HBM

Location : 194 Findon Road

Proposal: Change of use of ground floor from Class A1 retail to part Class A1 retail and part Class A3 coffee shop with no primary cooking facilities.



Not to Scale

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1. THE PROPOSAL AND THE SITE

The application premises comprise a vacant ground floor shop unit, No. 194 Findon Road. It is located in a central position within the Kings Parade shopping parade, Findon Road.

Permission is sought to change the use of the property from Class A1 retail to part retail Class A1 and part Class A3, coffee shop with no primary cooking facilities.

The applicant's intended trading hours are 7.30 a.m. to 3.30 p.m. on Mondays to Fridays, and 7.30 a.m. to 4.00 p.m. on Saturdays, with no trading on Sundays.

The application is accompanied by a floor plan which shows a seating area at the front with five tables and 20 chairs. There would also be two small corner sofas providing 3 seats. Adjacent to this area, towards the rear of the shop, would be a chilled food display counter occupying a total area of approximately 20 square metres, with the remainder of the premises providing a food preparation area, a kitchen and a toilet.

To the rear of the building is a small car parking area to be used by the proprietor. Access to this would be via an existing driveway from the rear of this part of Kings Parade.

The shopping parade contains predominantly Class A1 retail shops, with the remainder a mixture of Class A2, A3, A4 and A5 uses, plus a beauty treatment salon which is probably sui generis.

The Kings Parade is designated as the Findon Valley neighbourhood shopping centre and it fronts the A24 Findon Road, a primary route into the town.

The last use of these premises was as a loft conversion showroom.

2. APPLICANT'S SUPPORTING LETTERS

In support of the application, the applicant has submitted a covering letter, stating that:

"I am applying for a change of use from A1 to A3. This is due to the fact that I wish to operate a sandwich/coffee shop from the premises.

I can state that I will not be using a commercial deep fat fryer or any other appliances that would require an external extraction system. I can state that there will be a recirculating extractor hood in the kitchen area to minimise any smells. It its anticipated that the bulk of our business is expected to be take-away sandwiches and light snacks. We have been informed that this would not require a full external extraction system."

In a further letter, the applicant has requested that the following representations concerning Policy S11 of the Local Plan to be considered:-

i) The policy rightly seeks to protect the viability and vitality of the neighbourhood centre. I would suggest that the proposal will have a minimal impact on any quantitative assessment. In other respects the change of use must add to the viability and vitality of the centre, rather than cause harm to any such issue.

ii) The previous use of the premises as a showroom for a loft conversion company attracted relatively low levels of footfall and provided far less support to the retail function of the centre as a whole. In contrast a sandwich and coffee shop – with or without seating – is far more likely to enhance the viability and vitality of the area than the historic use.

iii) My ambition is for the premises to support the operation of nearby retailers, offering the facility for purchase of sandwiches and hot beverages, and for a small number of customers to consume those

purchases on the premises. It is not proposed to change the premises to a public house or restaurant. I am content to adhere to the hours of use suggested by Environmental Health which would support contention that the use will take place during the normal working day. The frontage will not be dead during the day but very much an active focal point within the parade.

iv) Whilst recently working at the premises a poster in the window has attracted 16 applications for employment. The proposal will provide for employment of local employment. It will also provide scope for the development of a local small business, precisely the type of business encouraged by the Council in Worthing Business News.

v) Given the apparent confusion over the need for permission for a change of use of this kind, I have given some consideration to the advice elsewhere. Whilst not pretending to be able to comment with any authority on Planning issues, I have been able to read advice about different use classes in a Government circular. This comments specifically on the scope for interpretation of the fit of sandwich bars and coffee shops within the A1 use class. I have been aware that a number of the national chains, Starbucks, Subway and similar, all have seating to a much greater extent than I propose but continue to operate within A1. My use will retain much more of the character of an A1 use than any coffee shop within any such international franchise.

3. CONSULTATIONS

The **Highway Authority** raises no highway objections and comments as follows:

"Local Development Division has been consulted on this application and considers highway safety and capacity.

There have been no specific issues identified with regard to highways other than those identified below, therefore LDD would not wish to raise an objection to the proposals subject to any conditions itemised below.

The application seeks permission for a change of use of the ground floor at 194 Findon Road from A1 use to A3 restaurant use. It is stated within the application that the A3 use would have no primary cooking facilities.

The area in which the proposal is located is within a parade of shops set back from Findon Road with a one-way access road to on-street parking. Within the application it is stated that there is one existing parking space and this provision is not proposed to be altered.

It is assumed that the parking provision would be used by staff, the parking is located at the rear of the building and is accessed via an existing side road. The proposed parking provision is within the maximum standards as set out by WSCC, as such, the Borough Council are required to consider any detriment to on-street parking brought about by the proposals."

The **Strategic Planning and Regeneration Manager** advises that the proposal is contrary to Saved Policy S11 of the Worthing Local Plan in that the

proposal would exceed the maximum non-retail frontage allowed and increase the level of non-retail uses in the parade over the accepted thresholds to 42%.

The advice of the **Executive Head of Health Housing and Community Safety** is awaited.

4. REPRESENTATIONS

Three letters have been received from other occupiers of Kings Parade and one from a resident of Hillview Road which contain the following comments:

i) There is no objection in principle, provided that no external extraction system is installed and the trading hours are as stated.

ii) There are enough restaurants and take-aways in the Findon Road area. There are six such establishments in the parade already, which should be sufficient for the area.

iii) Findon Valley is a small parade which already has a restaurant, coffee shop and a fish and chip shop along with some other business establishments which, with the economic recession, creates difficulties in running businesses here, specifically maintaining cost in terms of generating revenue. Another restaurant or coffee shop will make the existing situation worse.

5. PLANNING ASSESSMENT

In accordance with the provisions of the Planning and Compulsory Purchase Act 2004, the Worthing Local Plan 2003 and the West Sussex Structure Plan 2001 – 2016 have now lapsed. However, in recognition of the still emerging status of the Local Development Framework and Regional Spatial Strategy, and in order to avoid a policy vacuum, the Secretary of State for Communities and Local Government has issued a direction allowing specific Local Plan and Structure Plan policies to be saved against which development proposals will continue to be considered.

The main issues are the principle of the use and the appropriate policy considerations, the impact upon the residential amenities of the area and parking. As such, the proposal should be considered against saved Local Plan Policies S11, H18 and TR9.

Policy S11 of the Local Plan states that within the retail core area 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 but exceptions may be made where: -

i) the use is for an A2 or A3 use; and

ii) the proposal causes no significant adverse effects for the occupiers of neighbouring properties; and

iii) the use 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 a proportion of non-shop uses within the retail core exceeding 35%.

As far as the four criteria are concerned, the proposed change of use is to a Class A3 coffee shop which would satisfy the first requirement (i).

As far as criterion (ii) is concerned, a coffee shop is not expected to adversely affect the residential amenities of neighbouring properties. There would be no primary cooking and therefore no harmful odours should escape to the detriment of neighbours. The proposed opening times are acceptable because it is considered that an opening time of 7.30 am is not unreasonable in the middle of a commercial shopping parade fronting a busy road into the town. The shop would close late afternoon.

With regard to criterion (iii) and parking, the coffee shop area where the tables and chairs are shown is no more than 25 square metres. Under the current parking standards this would require a maximum of 5 parking spaces. By comparison, the same retail floor area would generate a requirement for two spaces. The increased shortfall is considered to be acceptable because the parking standard is a maximum in a shopping parade and there are normally multi-visits to more than one shop, the centre serves the neighbourhood population so many walk and finally, the Highway Authority has not objected.

Lastly, in respect of criterion (iv), the proposal would not extend the non-retail frontage to more than 20 metres. However, the current proportion of non-retail uses to retail uses in the parade stands at 39% and the proposal would increase this to 42%.

Nevertheless, the proposal only represents a part change of use to a coffee shop. The lawful use of the premises is Class A1 retail.

The application indicates that a significant A1 retail element would remain because the sale of sandwiches and hot beverages to consume away from the premises is Class A1 retail. Even Subway is considered, in many instances, to be Class A1 retail because the majority of its trade is cold takeaway. The proposed retail floorspace gross could be up to 20 square metres and therefore only a part change of use to A3 would be involved.

Whilst a pure Class A3 use would clearly breach the policy, the proposal could accord with the policy if the Class A1 retail use was given precedence and more prominence in terms of space with the position of the counter and sales at the front of the shop with the tables and chairs set back deeper into the premises. The applicant has been asked to consider changing the proposed layout in this manner and Members will be advised at the meeting of any such changes.

The previous use as an office for loft conversions was unauthorised and not Class A1 retail. The period that the shop was occupied in this way is unknown.

Conclusion

The proposal as a part Class A1 retail sandwich bar and part Class A3 coffee shop would be consistent with shopping policy S11 of the Local Plan if a revised layout plan is submitted showing retail as the primary use in terms of the shops appearance and the subdivision of the internal floorspace between retail and coffee shop.

6. RECOMMENDATION

Planning permission be granted subject to the following conditions:-

1. C1(A)Rev – Standard revised conditions 3 years.
2. The retail and coffee shop uses, hereby permitted, shall be restricted to the areas indicated on the submitted plan only and those areas shall not be changed, moved or extended without the grant of planning permission by the Local Planning Authority in an application on that behalf.
3. The use, hereby permitted shall operate between the hours of 0730 to 1800 hours on Mondays to Saturdays only.
4. No external extraction or ventilation system shall be installed or used on the premises unless granted planning permission by the Local Planning Authority in an application on that behalf.
5. The parking area at the rear shall be retained for parking only as shown on the submitted plan.

7. BACKGROUND PAPERS

Transport - PPG 13 : March 2001
Town and Country Planning (Use Classes) Order 1987
Letters of Support from the Applicant or Applicant's Agent
Letters of Representation from Members of the Public

21st October 2008