DELEGATED APPLICATIONS ASSESSMENT SHEET

APPLICATION NO./ADDRESS: WB/11/0011/FULL – 34 South Street

DATE OF SITE VISIT: 09/03/11

NEIGHBOURS CHECKED: Y

ADDITIONAL NEIGHBOUR NOTIFICATIONS (LIST ADDRESSES): N

SITE AND SURROUNDINGS:

The application site is within an established shopping parade, immediately north of West Worthing train station. It comprises a mix of commercial uses at ground floor level including several quasi-medical businesses. Several of the units within it are vacant.

The application property is centrally located within the terrace. It is brick faced with a traditional Victorian frontage. The ground floor unit was previously occupied by a dental practice (D1). It is now vacant.

PROPOSAL:

The development has been advertised as change of use from restrictive Dental Practice (class D1) to Child Contact Centre (class D1).

Planning permission is sought for:

- Variation of restrictive occupancy condition imposed on planning permission 533/89 to allow occupation of ground floor of premises for Child Contact Centre

RELEVANT PLANNING HISTORY:

533/89
Change of use from office (class 2) to Dental Practice (D1)
Approved with conditions 27-06-1989

10/077/FULL
Conversion of ground floor from Dental Surgery to two self contained flats, including alterations to windows and doors and addition of storm porches to existing and new entrances
Refuse the application 22-10-2010

RELEVANT PLANNING POLICIES:

The South East Plan
SP3, SCT1, SCT2, SCT3, BE1, NRM10, T4, ~~H1, H2, H6, H5, H4~~, CC6, CC1
RE3, RE6
Worthing Core Strategy
3, 4, 11, 16

Worthing Local Plan 2003
BE1, H18, RES7, RES9, TR9, H13, H18, S11, SC1

Government Advice
PPS1, PPS4, PPG13, PPG24

REPRESENTATIONS AND RELEVANT CONSULTATION RESPONSES:

Highways Authority consultation response summarised below:

West Sussex County Council consulted previously on Highway Matters for this location under planning application WB/777/10 for COU from Dental Practice to a residential dwelling, to which no objections raised.

From inspection of the submitted information, does not appear alteration from Dental Practice to Child Contact Centre will not lead to any significant highway safety issues being raised. As a result, would not foresee there being any significant highway issues with this change of use

Postscript:

In receipt of email containing required information relating to staff numbers associated with proposal. Based on this, apparent there will not be an increase in the amount of staff and as a result there are no grounds to resist this application from highway perspective

Borough Planning Policy response:

No policy objections to the application proposal.

Application site lies within the 'core' of the Tarring Neighbourhood Centre. Surveys from 1999 to 2007 indicate the site was occupied by an Orthodontist Dental Practise.

Most relevant policies are
S11, SC1

S11 – In this instance proposal would not result in loss of A1 as current use already falls outside a retail use. Therefore no policy objection raised under policy S11

SC1 – This policy is refereed to by the applicant but in reality does not apply to application premises as it lies within the 'core' shopping area and is in connection with the ground floor use. However, the policy does serve to indicate the type of social and community uses that are likely to be acceptable such as advice centres, meeting or counselling rooms.

Core Strategy Policy 6 – Retail
This policy seeks to identify, protect and enhance the hierarchy of vital and viable town district and local centres. Tarring Road is identified as a medium scale local centre. This policy goes on to state that the objectives of this policy will be achieved by 'encouraging convenient and accessible district and local shopping facilities to meet day to day needs of residents and contribute to social inclusion'

Borough Economic Development comments (summarised):

Support. This commercial property is situated within a local shopping parade and was last occupied by a dental practice. Welcome an employment generating use of this property and service provision for the local community.

PLANNING ASSESSMENT:

Introduction

The principle planning concerns with this proposal is the principle of the variation of the condition imposed on planning approval 533/89; the impact upon neighbours and adjoining land uses; visual impact and parking and highway safety.

Principle

The proposed occupier falls within the D1 Use Class. This is the established use of the premises, which was restricted to the Dental Practice.

It is considered that varying that restriction to allow another D1 use to occupy the building would not unduly harm the protected shopping parade along South Street as it is to be operated with a reasonably commercial character (clients will arrive/depart via the front door with a reception area at the building's street frontage), so will not cause an unacceptable break in the frontage of A1, A2 or S3 uses. Indeed the current building has been unoccupied for some time, so the activities arising of the new occupier would enhance the viability and vitality of the parade due to people coming to use the building. Nor would it harm the future viability of the building for other commercial uses; the proposed occupier would make use of the existing physical layout with no reduction in floor space intended.

Moreover, the new occupier is to provide a niche service to the community (a place where children affected by family breakdown can spend time with one or both parents). This would concur with the aims and objectives of relevant Development Plan policies in supporting the well being of children and young people. To avoid a future conflict arising with Worthing Core Strategy Policy 11 (where the loss of a community facility is resisted), any approval should be made personal to the intended occupier so the permission is not tied to the building itself.

For these reasons the proposed occupier is acceptable and would not detrimentally impact upon the vitality and viability of this local shopping parade, with the community benefiting from its presence in the town.

Neighbours and adjoining land uses

The neighbour principally affected are those occupying the first floor flat directly above the ground floor. They have a bedroom window directly looking onto the outside space that comes off from the ground floor premises. Those occupiers also have use of their garden directly alongside this.

Some impact in terms of noise and disturbance is inevitable. But this would simply reinstate previous conditions that have only ceased due to the temporary vacancy of the ground floor premises; the proposed hours of operation are not uncharacteristic of a commercial enterprise. The same argument applies to the experiences of other adjoining neighbours and land uses.

Furthermore the applicant has agreed not to use the outside space and for clients and staff to enter via the front entrance, so no inherent conflict would arise. For the same reason no change in bin storage arrangements on the site is necessary.

Visual

No external alterations are proposed. Some internal signage may appear in time in the reception window, but this would not be out of keeping in the surrounding commercial area.

Parking

No car parking exists at the site presently nor is it proposed. However the number of people employment in the proposed business is comparable to the previous dental practice. So whilst there will undoubtedly be some parking within the surrounding streets (clients are likely to arrive by car), the situation is unlikely to be materially worse than at present.

Moreover, the site is situated in a sustainable location within the neighbourhood centre and public transport connections that include West Worthing train station.

Conclusion

The site is within a designated shopping parade where business space servicing the local community is acceptable. By proposing to occupy the premises with a child contact service, the proposal complies with this policy. It would bring occupation a building that has been vacant for sometime and, as such, contribute toward the vitality and viability of the parade.

In addition, subject to restricting the potentially intrusive aspects of its operation by condition, the design and layout of the proposal satisfactorily accommodates the activities arising from it whilst avoiding unacceptable impact upon immediate neighbours and adjoining land uses. This includes exacerbation of on street parking in the surrounding area.

RECOMMENDATION:

Approve subject to the following conditions:

1. 3 yr time limit

2. Plans as approved

3. The use hereby permitted shall be used for a child contact centre and for no other purpose (including any other purpose in Class D1 of the

schedule to the Town and Country Planning (Use Classes) Order, 1987 and as subsequently amended

Reason: To retain an active commercial frontage and character within a protected shopping area and in the interests of safeguarding the amenities of neighbours and adjoining land uses

4. The use hereby permitted shall not be operated and/or activities associated with it take place, except between the hours of 9am and 6pm each day Monday to Saturday (and there shall be no external illumination on the premises except between the above-mentioned hours)

   Reason: In the interest of safeguarding the amenities of neighbours and adjoining land uses

5. The reception room as shown on the plans hereby approved shall make provision for a display area at the window facing onto South Street, and such an area shall be retained at all times thereafter

   Reason: To retain an active commercial frontage and character within a protected shopping area

6. Except in the event of emergencies and receiving goods at no time shall any of the outdoor space within the land edged in red on the plans hereby approved be occupied by any person associated with the business use

   Reason: In the interest of safeguarding the amenities of neighbours and adjoining land uses

7. Except in the event of emergencies only the front door facing onto South Street shall be used to enter and exit the premises. The external door to the contact room and the gate to the yard outside of the contact room shall both be fixed shut except for use in an emergency and on trade waste collection days, and retained as such at all times thereafter.

   Reason: In the interest of security and to safeguard the amenities of neighbours and adjoining land uses

8. No trade waste shall be stored on the site unless within the secured yard outside of the contact room

   Reason: In the interests of security and to safeguard the visual amenity of the surrounding area

REASONS FOR RECOMMENDATION:

The proposal complies with relevant Development Plan Policies.

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 on balance, existing residential quality of life would not be significantly adversely affected as a result of the proposal. Accordingly it is considered that it is acceptable with regard to Article 8 and Article 1.

IS RECOMMENDATION CONTRARY TO LETTER (S) OF REPRESENTATION?

NA

DELEGATED

Case Officer Sign..... [redacted] ...Date..... 21/3/11.....

Authorising Officer Sign..... [redacted] ...Date..... 21.3.11.....

Drawing titled SITE PLAN dated and deposited 14-01-2011
Drawing titled Proposed Ground Floor Plan dated and deposited 16-03-2011

The change of use will not cause significant harm to the shopping frontage or detriment to the character of the area.