DELEGATED APPLICATIONS

ASSESSMENT SHEET

WB/10/1023/FULL

APPLICATION NO./ ADDRESS: WB/10/~~0976/ADV~~ 58 Chapel Road Worthing

DATE OF SITE VISIT: 9 March 2011

NEIGHBOURS CHECKED: Y

ADDITIONAL NEIGHBOUR NOTIFICATIONS (LIST ADDRESSES): N

SITE AND SURROUNDINGS:

The existing premises comprises a three (3) storey building comprising ground floor restaurant with residential accommodation and ancillary facilities including kitchen to the restaurant at the first floor and above. The building fronts onto Chapel Road and is set amongst a variety of shops, restaurants, offices and flats at the edge of the town centre. The premises is located on the northern fringe of the Chapel Road Conservation Area.

PROPOSAL:

The application seeks to retain an existing outdoor extraction system comprising galvanised metal ducting, extractor housing and chimney flues. The equipment would be located on a flat roofed, single storey section of the building located to the rear of the main three (3) storey section of the building. The ducting is generally set flush with the flat roof amongst other ducting elements with a height of 0.8 metres above roof level with two chimney flues rising to 5 metres above the flat roof.

RELEVANT PLANNING HISTORY:

00/0512/ADV: Installation of various illuminated signs. Granted consent, 10/07/00.

00/0691/FULL: Installation of new shop front in connection with approved use as a cafe/bar. Refused, 29/08/00.

02/0488/FULL: Retrospective application for change of use of first floor flat from residential to part residential and part kitchen for use in connection with ground floor use. Granted consent, 19/06/02.

05/1084/FULL: Application to remove condition No. 2 of Planning Permission WB/99/00844/FULL dated 16th November 1999 relating to the restriction on the hours of use. Withdrawn, 03/11/05.

05/1231/FULL: Application to modify Condition No. 2 of Planning Permission WB/99/00844/Full dated 16th November, 1999 to permit the premises to open between the following hours: Monday - Wednesday 07.00am - 12.30am. Thursday 07.00am - 01.30am. Friday - Saturday 07.00am - 02.30am. Sunday 11.00am - 10.30pm. Refused, 05/01/06.

09/0581/FULL: Installation of various advertisements comprising illuminated fascia signs. Granted consent, 02/11/09.

09/0582/FULL: Change of use of ground floor from A3 cafe bar to A3 restaurant, alterations to first floor incorporating staff room, wash room and kitchen in connection with ground floor use. Extension to ground floor restaurant area and alterations to shop front. Granted consent, 27/10/09.

10/0976/ADV: Retention of internal illuminated signs. Pending consideration.

RELEVANT PLANNING POLICIES:

Saved Worthing Local Plan policies BE1, RES7, H18 and TR9
Submission Core Strategy policy 16
PPS1: Delivering Sustainable Development

REPRESENTATIONS:

None received.

RELEVANT CONSULTATION RESPONSES:

Health and Housing raise no objections but comment on the health and safety aspects of an open walkway which is located above the ducting pipes.

PLANNING ASSESSMENT:

Permission has previously been granted for the use of this premises for the purposes of a restaurant (Use Class A3) subject to conditions of which condition 2 required the submission of details regarding methods of ventilation particularly with regards to the treatment of cooking odours.

The use has nevertheless commenced without such details having been agreed, albeit that the ventilation and ducting system the subject of this application has been installed in any case.

This notwithstanding the implemented system appears to be of a suitable nature to cater for the use of the premises. Council's Environmental Health Officer raises no objections to the ducting system on noise or odour grounds. Conditions can be imposed regarding the operation of the equipment such that no undue disturbance or odour occurs. Indeed, setting aside the unauthorised nature of this installation, no complaints have been received regarding the operation of this equipment.

The premises is set within a largely commercial context with only the second floor to the application site appearing to contain residential accommodation. Subject to the repetition of those controls imposed on the previous application for the change of use of the premises, no concerns are expressed regarding impact on neighbours amenity.

In other regards the development is not considered to warrant objection and is recommended for approval.

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.

RECOMMENDATION:

Grant Planning permission subject to the following conditions:

- Control on use of extractor system (hours/noise/odour)

REASONS FOR RECOMMENDATION:

The proposed development would not detract from the local environment and can take place without resulting in unacceptable detriment to the amenities of neighbouring properties. It would consequently not conflict with the 'saved' policies of the Worthing Local Plan (BE1) and the Submission Core Strategy (policy 16).

The proposal accords with the relevant policies of the Development Plan.

Saved Worthing Local Plan Polices

BE1, H16 and H18

Submission Core Strategy

Policy 16

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

DELEGATED

Case Officer sign [redacted] Date 10/3/11.

Authorising Officer sign [redacted] Date 11.3.11