DELEGATED APPLICATIONS

ASSESSMENT SHEET

APPLICATION NO./ADDRESS

WB/ 09/0104/FULL

Fresh Cut Cafe
7 Rowlands Road
Worthing

DESCRIPTION OF DEVELOPMENT

Change of use to Class A3 (restaurant), provision of extraction system incorporated within new chimney stack and soundproofing requirement under planning permission WB/98/00735/FULL. Resubmission of WB/08/0996/FULL.

The premises have been operating as a café serving light snacks without any primary cooking on the premises for over 10 years and comprise a server with counter , wash up area, store room and seating area , including open forecourt at front providing some 24 covers. Dishes include jacket potatoes, salads, rolls, warm pastries, micro wave heated pre -prepared meals such as lasagne and hot drinks. In this sense it has something of the character of a sandwich bar.

A change in the character and cooking operations is sought to allow primary cooking on the premises. A ventilation and extraction system to dispose of cooking odours is proposed to facilitate this. It involves running a duct up through an existing redundant chimney and building new stack on the rear roof close to the east gable, adjacent to No 5. The chimney stack is rendered to match the exposed gable at this point and is designed in period style to emerge just above the main roof ridge with a single chimney pot. Details of sound proofing to existing floors is submitted but not in relation to the ventilation and extraction system.

Refuse would continue to be stored in the rear yard and left in the real alley of collection. Sought trading hours are 8am to 6pm maximum.

DATE OF SITE VISIT: 16.4.09

NEIGHBOURS CHECKED : Y / ~~N~~

ADDITIONAL NEIGHBOUR NOTIFICATIONS (LIST ADDRESSES):

SITE AND SURROUNDINGS:

The property which is the subject of this application is a 3 storey Victorian end of terrace property, located in a Conservation Area just to the west of the town centre. Rowlands Rd is a shopping street formerly designated as Secondary Shopping Area of Central Shopping Area in the Worthing Local Plan but not Saved in error. Shops adjoins the site either side and opposite , most with flats above. An existing café ,

approved in 1998 ,occupies the ground floor and rear yard of the property. The upper two floors are used as flats with independent access from the front shopfront. To the rear is an alley used for refuse collection and access to the terrace and homes. South of this are the homes in Western Row. Rowands Rd is open to vehicular traffic but is within a Controlled Parking Zone.

RELEVANT PLANNING HISTORY:

Application Number	Development Description	Decision	Decision Date	Appeal Decision	Appeal Decision Date
08/0996/FULL	Change of use to Class A3 (restaurant), and provision of extraction system and soundproofing required under WB/98/00735/FULL	WITHDRAWN	26-11-2008		
09/0104/FULL	Change of use to Class A3 (restaurant), provision of extraction system incorporated within new chimney stack and soundproofing requirement under planning permission WB/98/00735/FULL. Resubmission of WB/08/0996/FULL.	PENDING			
98/00735/FULL	Change of use of the ground floor from retail (Class A1) to food and drink (Class A3)	GRANT CONDITIONAL CONSENT	10-11-1998		

Of note is the 1998 A3 permission for A3 and a recently withdrawn application for external ventilation and extraction system at the rear due to harm to visual and neighbour amenity .

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

Saved Worthing Local Plan Polices BE1, H18, S10, RES7, TR9,
Saved West Sussex Structure Plan policies CH1, CH4 and DEV1
PPS1
PPG13
PPG15

REPRESENTATIONS AND RELEVANT CONSULTATION RESPONSES :

Conservation Area Advisory Group: no objections

Environmental Health Manager : details of sound & vibration mitigation scheme for ventilation and extraction system and between floors of residential and A3 use required prior to implementation of scheme.

Highway Authority No objections on basis of response to previous planning permission for A3.

Four letters of objection received from 1,& 2 Forget me not cottages Western Row; 14A, & 14B Western Row citing the following:

- Concern over details of sound mitigation scheme and noise
- Concern actual closing times will be later than 5pm and noise
- Concern over future intentions for shopfront
- Concern over refuse storage arrangements and impart on rear alley
- Smells disturbance from chimney

One letter of support from Rowlands Rd as use is well established and continued operation will help this struggling part of Rowlands Rd .

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 use
- Impact on the amenity of neighbours
- Impact on the integrity of the design of the property and character of the townscape/Conservation Area.
- Parking /access

Principle of use

The café is long established in a designated shopping frontage, close to the town centre where there area many A3 –A5 uses represented. Planning permission was specifically granted in 1998 for an A3 use and the use appear to have been in operation without interruption for more than 10 years. No significant problems have been recorded, despite non compliance with a condition requiring a ventilation and extraction system to be implemented to dispose of cooking odours. However, no primary cooking is understood to have taken place during that period which might give rise to such problems. The unsaved Policy S14 allowed A3 uses in this location where no adverse impacts would arise. The principle is accordingly acceptable.

Impact on the amenity of neighbours

The proposed ventilation and extraction system will allow the A3 use to expand its activities to include primary cooking on the premises. The use of the chimney is innovative and the best practicable option, the chimney being located as far away from the homes in Western Row and well above the flats at No 5 and upper floors of No7itself. It is preferable to the previous (withdrawn) scheme for external ventilation ducting at the rear, close to upper flat windows and adjacent houses in Western Row/Forget Me Not cottages etc. The Environmental Health Manager has requested details of the noise and vibration mitigation scheme for the ventilation and extraction system and floor to floor sound insulation and this may be secured by a suitable condition. Building Regulations do not entirely cover this area. Prior to the implementation of a suitable scheme, the current use may be formally restricted by condition to no primary cooking on the premises to safeguard residential amenity,

Trading hours in the previous planning permission were from 8am to midnight on all days. Though reflective of the particular applicants aspirations, the limited hours sought in the new application form are out of step with this and most A3 uses in this area but may be justified in the light of local objections and no opportunity to reconsult on nay more relaxed hours .

Refuse storage is shown in the rear yard. Given the trading hours restrictions on removal of refuse from the premises at night are unnecessary.
As such the proposal is unlikely to give rise to unacceptable amenity impacts.

The previous A3 planning permission did not preclude take aways and this does not seem to feature significantly in the history of the use but changes to the General Permitted Development Order 1995 as Amended Town and Country Planning Act 190 As Amended now subdivide the generic A3 use to A3 (rstaurnt/café) ;A4 (PH) and Takeaways (A5) . A restriction to restaurant/café (A3) use is justified here on neighbour amenity grounds.

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

No external alterations , save the new chimney are proposed. The chimney solution was arrived at after negotiations with officers , a previous scheme for external ventilation ducting at the rear, close to upper flat windows and visible form Western Row and rear alley, having been withdrawn for visual and neighbour amenity reasons.

The chimney is sympathetically designed and sited in suitable period style and will be unobtrusive. As such the proposal is unlikely to give rise to unacceptable visual impacts.

Parking and access

The site is sustainable locate by the town centre ,close to good public transport and multi story car parks and in a Controlled Parking Zone. No problems have been reported with the existing use and no significant intensification is expected.

RECOMMENDATION:

Grant Permission subject to conditions on time; no primary cooking until ducting implement ted; trading hours 11pm; A3 use only; no refuse outside after 9pm;details of sound/vibration mitigation scheme; external materials to match existing external finishes.

REASONS FOR RECOMMENDATION:

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

Saved Worthing Local Plan Polices

BE1, H18, RES7,

Saved West Sussex Structure Plan Polices

Policies CH1,CH4, DEV4, DEV5, ERA1, LOC1, and DEV1

National Policy

Planning Policy Statement: Delivering Sustainable Development
PPG13; transport
PPG15 : Planning For The Historic Environment

IS RECOMMENDATION CONTRARY TO LETTER(S) OF REPRESENTATION?

Y / ~~N~~

DELEGATED [redacted]

Case Officer [redacted]
sign..... Date 20.4.09

Authorising Of[redacted]
sign..... Date 20.4.09