Expiry Date - 31/05/2023

Development Control – Delegated Officer Report

Application Number: AWDM/0524/23 **Recommendation – APPROVE**

Site: **26 Guildbourne Shopping Centre Guildbourne Centre Worthing West Sussex**

Proposal: **Application to vary conditions 5 and 6 of approved application AWDM/1606/19 for Change of Use from Retail (A1) to (D2) Escape Room; Mindworks request that these conditions can be varied so that both entrances can be used during the opening hours for the escape rooms.**

Date of site visit: 18/04/23

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The site is located within the Guildbourne Centre, a shopping mall within Worthing Town Centre just outside the Primary Shopping Area and within the Chapel Road South character area and Key Office Location. The application relates to a medium size unit within the centre occupying the ground and first floor and used for leisure purposes as 'Mindworks' escape rooms.

The site adjoins Ann Street to the south which is located within the South Street Conservation Area but does not include the shopping centre.

The unit is accessed through the shopping centre via the main entrance to the south-west from Chapel Road. There is a secondary entrance to the mall from the multi storey car park to the north-east of the centre. There are access doors to the rear service area of Unit 26 exiting on to Ann Street.

The upper floors of the centre are occupied as residential flats (Guildbourne Court).

Proposal

Planning permission was granted under application AWDM/1606/19 for Change of Use from Retail (A1) to (D2) Escape Room. Planning permission is sought to vary conditions 5 (Maintain access from shopping centre) and 6 (Use of rear doors) of this consent to allow use of both entrances for the escape rooms during opening hours. The specified conditions are as follows:

Condition 5 - *Customer access to the escape rooms from the internal mall of the Guildbourne Centre shall be provided and retained at all times that the Guildbourne Shopping Centre is open for trade and business.*

Reason: To ensure the vitality of the shopping centre having regard to saved policy S8 of the Worthing Local Plan and policy 6 of the Worthing Core Strategy.

Condition 6 - *The rear doors on to Ann Street shall only be used for customer access to the escape rooms outside of the hours that the Guildbourne Shopping Centre is open for trade and business and at no other time.*

Reason: In the interests of amenity having regard to saved policies RES7 and H18 of the Worthing Local Plan.

Relevant Planning History:

AWDM/1606/19 - Change of Use from Retail (A1) to (D2) Escape Room - Approved

Consultations:

Environmental Health - No comments

Private Sector Housing – No comments

WSCC Highways - This application seeks the variation of Conditions 5 and 6 of approved application AWDM/1606/19, to allow for the use of both entrances to be used during opening hours for the escape rooms.

WSCC in its role as Local Highway Authority (LHA) provided consultation advice for approved application AWDM/1606/19, raising no highway safety concerns.

For the current application, the applicant wishes to allow for the use of the rear entrance from Ann Street, in addition to the main entrance from the Guildbourne Centre, during opening hours. This is not anticipated to give rise to an adverse highway safety impact, and no concerns are raised to the proposed variation of Conditions 5 and 6.

In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

Southern Water - Southern Water has no comments to make with respect to variation of condition 05 and 06.

Sussex Police - The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive, and safe places which are safe

and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear, and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas.

The level of crime and anti-social behaviour in Worthing district is above average when compared with the rest of Sussex, so additional measures to mitigate against any identified local crime trends and site-specific requirements should always be considered.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments.

I refer the applicant to previous correspondence from this office – Your Ref: AWDM/1606/19 dated the 23rd of November 2019 and Our Ref: NW/WOR/19/12A dated the 12th of November 2019 to which all of comments remain extant.

This planning application is seeking to vary condition's 5 and 6 of approved AWDM/1606/19 so that both entrances can be used during the opening hours for the escape rooms.

Condition's 5 and 6 of approved AWDM/1606/19 state:

05. Customer access to the escape rooms from the internal mall of the Guildbourne Centre shall be provided and retained at all times that the Guildbourne Shopping Centre is open for trade and business.
Reason: To ensure the vitality of the shopping centre having regard to saved policy S8 of the Worthing Local Plan and policy 6 of the Worthing Core Strategy.

06. The rear doors on to Ann Street shall only be used for customer access to the escape rooms outside of the hours that the Guildbourne Shopping Centre is open for trade and business and at no other time.
Reason: In the interests of amenity having regard to saved policies RES7 and H18 of the Worthing Local Plan.

The supporting statement with regards to approved AWDM/1606/19 said:
We will use the rear door of the unit on Ann Street for later sessions after the opening hours of the Guildbourne Centre which generally closes around 6pm. The latest escape room session would normally be ending between 9 & 9.30pm and if we have multiple rooms in the future the games would start at staggered times and so at no time would there be large numbers of people going in or coming out of the unit at the same time.

Comments from the application form for planning application AWDM/0524/23 state: The conditions are limiting the way that Mindworks can grow, and we would then operate with both the Guildbourne and Ann Street doors. Our landlords are supportive of this as they know it will not affect our input to the

current revival of the Guildbourne Centre and do not believe it will have any negative impact on Ann Street.

From a crime prevention viewpoint, I have no concerns with both doors being used – but there must be a degree of sensitivity shown by users of the facility when leaving late at night in order to protect the amenity of the surrounding residential community. I would therefore encourage staff to ensure that measures are in place for late sessions so that customers can be escorted from the premises in a quiet and timely manner.

The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

Representations:

None received

Relevant Planning Policies

Worthing Local Plan policies (WBC 2023): SP1, SS3, DM5, DM12, DM13
National Planning Policy Framework (HCLG 2021)
National Planning Practice Guidance

Planning Assessment

The principle of development has been agreed and approved by the previous planning application. Consideration of this application is limited to the conditions being varied, as specified above and their resulting impact in terms of visual and residential amenity.

Visual Amenity

There would be no change to the external elevations of the unit as a result of this application, other than the addition of a small sign positioned on the rear door facing on to Ann Street to identify the building. The active shopfront within the Guildbourne Centre would be maintained and continue to contribute to the vitality of the shopping centre.

There would be no adverse impact on the visual amenities of the locality or the adjacent conservation area resulting from the variation of conditions to allow use of both entrances for the business.

Residential Amenity

There are residential flats above the Guildbourne Shopping Centre at Guildbourne Court. These flats have balconies fronting onto Ann Street to the south. There are also residential flats above the shops and commercial premises facing the rear of the unit in Ann Street.

The current consent only allows the use of the rear door on to Ann Street after the Guildbourne Centre is closed at 6pm (4pm for Sundays and Bank Holidays). As this entrance is already permitted for use during later opening hours, the proposed variation of conditions to use this door during general opening hours would not have any additional impact on nearby residents. The number of clients using each room at any one time is limited to a maximum of 8 people with sessions starting at staggered intervals, so this would limit the group size entering or exiting via this access at any one time. There are no changes proposed to the opening hours for the business.

There would be no detrimental impact on the residential amenities of adjacent occupiers as a result of this application to vary conditions to allow the use of both accesses during opening hours.

Consequently it is considered no detriment would arise from the proposed change to the wording of Conditions 5 and 6.

Recommendation

APPROVE subject to Conditions:-

1. Drawing Numbers (previous application AWDM/1606/19)
3. Escape rooms use only
4. Hours of use
5. Maintain access through shopping centre, as well as rear access
6. Rear access use during opening hours
7. Maximum group numbers (8) and total participants at any one time (24)

Informative

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Is recommendation contrary to letter(s) of representation? N

Case Officer: Amanda Haslett Date: 31/05/23

Authorised by: Jo Morin Date: 31.05.2023