Expiry Date - 27/02/2025

Development Control – Delegated Officer Report

Application Number: AWDM/1619/24 Recommendation – APPROVE

Site: 24 - 26 Portland Road Worthing West Sussex BN11 1QN

Proposal: Change of use from cafe and escape room to restaurant (Use Class E) with external extract ducting

Date of site visit: 07.01.25

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The application property comprises a mid-terrace, 2-storey building formally comprising a café on the ground floor and approved 'escpe room' above. The terrace has a sloping roof at the front, with 1½-storey eaves height and the first-floor accommodation lit by 2 dormer windows. The rear part of the building is full 2-storeys, having a flat roof extending eastward from the 'ridge'.

The building is accessed from Portland Road, approximately 50m from its junction with Montague Street. It faces onto the rear part of the flank wall of Boots the Chemist on a pedestrianised area. It forms part of the secondary shopping frontage within the Town Centre. The building backs onto Field Row a pedestrian route linking Shelley Road and Montage Street. To the rear is 5 and 6 Field Row, both last in commercial use (originally mews buildings serving Liverpool Terrace) and which are Listed (and located within the South Street Conservation Area).

Proposal

The application seeks permission for a change of vacant café/ escape room to restaurant (Class E).

The applicant indicates a seated restaurant area at ground floor with serving bar and toilets with the first floor shown as a preparation area with kitchen and staff washroom.

The application also includes a ducting extraction system with internal works and the extraction duct exiting though the roof.

The use would employ 5 full time and 3 part time staff.

The hours of opening would be 9:00am to 10:00pm 7 days a week.

Relevant Planning History:

AWDM/1086/12- Change of use from Hairdressers to Restaurant/wine bar (Classes A3/A4) with two lantern roof lights on flat roof- Approved

AWDM/0378/14- Change of use from Use Class A1 (Retail) to Use Class A3 (Restaurant or Cafe) on ground floor with two self-contained flats above.- Approved

AWDM/1628/14- Change of use of shop with office and treatment rooms above (Use Class A1) to beauty salon on ground floor and first floor (Sui Generis)- Approved

AWDM/1629/14- 1 no. non-illuminated fascia sign- Approved

AWDM/0399/15- Retrospective application for Change of Use of shop with office and treatment rooms above (Use Class A1) to urban day spa on ground floor and first floor (Sui Generis)- Approved

AWDM/1247/16- Change of use from spa to shop (Use Class A1).- Approved

AWDM/0910/19- Change of use of first-floor plus extensions and alterations involving addition of 2nd-floor within mansard roof including front and rear dormers and Juliet balconies to provide 2 no. studio flats and 2 no. 1-bedroom flats (4 in total) with bin and bike store and self-contained access from Field Row.- REFUSED

AWDM/1377/19- Change of use of ground floor from retail (A1) to cafe (A3) and first floor from retail (A1) to Escape Game Rooms (D2)- APPROVED

Consultations:

WSCC- Highways

No vehicular access is associated with this site, whilst pedestrian access will remain unchanged. The proposed change of use would not be anticipated to give rise to a material intensification of movements to or from the site.
No vehicular parking is associated with this site, so parking would have to be accommodated on-street or within nearby paid-for provision, as per the likely existing arrangement. The site is sustainably located within Worthing Town Centre, being well accessible on foot, by cycle or via public transport.
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 116), and that there are no transport grounds to resist the proposal

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Southern Water

Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer

Adur and Worthing Councils

Environmental Health- Environmental Protection-

I understand this premises will be an extension to Effes Town serving donors, chips and pizza etc. Given the nature of the food there are no EH concerns regarding the proposed kitchen ventilation The proposed hours of use are acceptable for this location and I would recommend conditioning these.

For food hygiene, I have no comments to make and the toilet provision for the number of seats shown on the plans is satisfactory

Drainage Consultant WSP

Following a review of the submitted information, we have no objection on surface water grounds. Due to the site, size, location, and type of development **we would recommend the approval of the application** with the following informative attached:
Informative 1: We have identified the site is adjacent to a high surface water flood risk therefore the applicant should consider creating an emergency plan to ensure safe access and egress routes can be achieved.
Reason
To prevent flooding in accordance with National Planning Policy Framework paragraphs 165-175 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage, and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

Representations:

None

Relevant Planning Policies

Worthing Local Plan 2020-2036: DM5, DM12, DM13, DM15, DM22, DM24
National Planning Policy Framework (MHCLG 2024)
National Planning Practice Guidance

Planning Assessment

Principle

The National Planning Policy Framework sets out the overarching objectives in achieving sustainable development including the economic objective – *to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.* This is interdependent with the other overarching social and environmental objectives and need to be pursued in mutually supportive ways (NPPF paragraph 8).

In ensuring the vitality of town centres the NPPF states that*: Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. (Paragraph 86.)*

The site is located within the town centre where retail uses are concentrated and separated into Primary Shopping and Secondary Shopping Frontage under Policy DM13 of the Worthing Local Plan. The site is identified as being Secondary Shopping Frontage. In relation to Worthing Town Centre Policy DM13 states:

Worthing Town Centre
Spatial Policy SS3 (Town Centre) sets out the overarching principles for the Town Centre and associated seafront and it is the starting point against which all proposed development in these areas will be assessed. The more detailed approach to frontages is set out below:

c) Primary Shopping Area (PSA) - a wider range of main town centre uses will be encouraged to bring people into the town and generate footfall throughout the day. In considering the most appropriate locations for proposed uses, the Council will use the identified Town Centre Character Areas as a tool to help assess whether a specific proposal would give rise to harm to the individual character or vision for each character area. The following sets out the approach to ground floor frontages within the 'Primary Shopping Area':

i) Primary Shopping Frontage (PSF) - will be the focus for retail uses within the centre The Council will seek to retain 65% of units in retail use to ensure that the centre retains its role as a sub-regional shopping centre and meets the shopping needs of the towns population. Uses such as Drinking Establishments and takeaways together with other uses that would detract from the overall shopping function of the frontage will be resisted

ii) Secondary Shopping Frontage (SSF) - a wider range of uses will be supported provided they are active uses with active shop fronts will enhance the vitality and viability and complement existing uses. However, uses such as takeaways and uses with closed and inactive street frontages will be resisted; and

iii) Town Centre Seafront Area - proposals that help to maintain and enhance an active and vibrant seafront will be supported. Eating, drinking and

shopping together with appropriate cultural and leisure uses will be retained and encouraged. However, uses such as takeaways and uses with closed and inactive street frontages will be resisted. particularly where they cause or contribute to an over-concentration of such uses.

d) Proposals that help develop and enhance the evening and night-time economy will be supported in the town centre where the operation of such activities can be controlled to address residential amenity implications and can demonstrate that such uses will add to the vitality and viability of the centre.

The site within the South Street/Montague Street/Grafton Site Town Centre Character Area which has the following role and function identified in the local plan:

• *South Street / Montague Street / Grafton Site: Aspirational high end retailing, food and beverage, and commercial leisure quarter anchored by a leisure / entertainment 'destination'. Strong links between 'Commercial Heart' and Seafront, and located within the Primary Shopping Area.*

The principle of evening and night time uses in the town centre is generally supported subject to careful consideration of the impact on the character and function of the centre, on its vitality and viability, and with adequate controls to protect residential amenity. In this case the site has been last used a café, games and escape room and had been previously used for retail. The previous permission in 2020 with opening hours until 23:00pm on some days, but is nevertheless located within a Secondary Frontage Area within the town centre and where there are strong links between the commercial heart and seafront areas, and where public realm enhancements are being designed to bring improvements to the surrounding public space. Its use as a restaurant in an area which already has restaurants and bars can therefore be supported in principle and would add to the vitality and viability of the town centre where it would contribute towards supporting a vibrant evening economy, subject to consideration of the effects of the proposal on the character and appearance of the area, the effects on the living conditions for existing and future occupiers, and highway and parking considerations.

Character of the Area

There is a mixture of development in the vicinity including restaurants, bars and retail shops, it is not considered that the proposal would materially affect neighbouring properties. The application involves a flue which would primarily be internal exiting through the roof. It would not be unduly and there is similarly no harm to the adjoining conservation area.

Residential Amenity

The nearest residential properties are located within 3 and 4 Liverpool Terrace to the east of the site. The properties directly to the rear, 5 and 6 Field Row, (and 5 and 6 Liverpool Terrace behind) are all in commercial use.

The restaurant would operate between 9am and 10pm daily. The environmental Health officer has not raised any objections to the application subject to conditions on hours of opening.

The restaurant is consistent with a previous permission on the site and is in a location where there are existing cafes, restaurants and drinking establishments.

The majority of activity would be at the front of the building (which faces the flank wall of Boots and it is not considered that the use would have a detrimental impact on residential amenity in this town centre location.

Given the above, it is not considered that the use would be detrimental to the amenities of nearby residential properties.

The application has indicated hours of 9am to 10pm daily, conditions can be applied to limit hours of use and extraction/ventilation equipment and delivery times as previously. With similar controls and hours as the previous applications, it is not considered that the proposals would result in an over concentration of night time uses.

Balancing the needs and impact on local residents against the economic benefits of promoting an enhanced evening and night time economy, which is reflected in a number of the Council's strategies, and in the absence of any objection from the Council's Environmental Health Officer and where controls have previously and can be put in place which are considered sufficient to adequately protect residential amenity, the proposal is considered acceptable in this town centre location.

Transport and Highway Impacts

The site is considered to be in a sustainable location sited within the town centre with good access to public transport and local facilities. There is no car parking or cycle parking associated with the use. The Highway Authority considers that the proposals would not have a significant impact on the local highway network in this location and raises no objections.

Recommendation

APPROVE subject to Conditions:-

1. Drawing Numbers
2. Standard 3 year time limit
3. The restaurant use (E) hereby permitted shall not be open to customers except between the hours of 09.00 and 10:00pm
4. The kitchen extract/ventilation equipment hereby approved shall be fully installed in accordance with the approved details before the use

hereby permitted begins and shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking and re-enacting that Order with or without modification), except as approved under this permission no external plant or machinery shall be installed, erected or replaced on the application site.

6. No deliveries to or collections from the premises shall take place other than between 07:00 and 20:00 hours Monday to Saturday and between 10:00 and 18:00 hours on Sundays and Bank/Public Holidays.
7. No bottles shall be placed into any outside receptacles after 22:00 hours of before 07:00 hours on any day.
8. Only unobtrusive background music shall be provided in the premises. For this purpose the music noise level shall not exceed 75dB (LAeq15min), anywhere within the premises.
9. No plant or equipment hereby approved, including the kitchen ventilation and extraction system, shall be operated on the premises except between the approved operating hours.

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.
SWF
Southern Water connection

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

Case Officer: Jackie Fox Date: 11.02.25

Authorised by: Louise Prew Date: 11/02/2025