Expiry Date - 04/02/2025

Development Control – Delegated Officer Report

Application Number: AWDM/1573/24 Recommendation – APPROVE

Site: 123 Tarring Road Worthing West Sussex BN11 4HE

Proposal: CHANGE OF USE FROM COMMUNITY HUB (CLASS E) TO TATTOO PARLOUR (SUI GENERIS)

Date of site visit: Desk-top assessment using Google Maps imagery

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The application relates to a vacant, ground-floor, business/commercial premises within a terraced building located on the south side of Tarring Road.

The long, narrow premises consists of a series of inter-connecting rooms (GIA 71sqm). It was last occupied by 'Pause Community Hub', but has been in commercial use for many years, previously as an office for a building contractor's company and a retail shop prior to that. The premises has a traditional timber-framed shopfront above a shallow stall-riser, with shop windows on either side of a central door. Columns with decorative corbels (shared with the shopfronts on either side) frame the shopfront, linked above by a traditional shop fascia with cornice. The premises fronts onto a paved forecourt.

A separate door entrance to the RHS of the shopfront serves a self-contained first-floor flat (No.123A).

The premises is adjoined by commercial uses on either side at Nos 121 and 125; both with flats above.

Adjoining to the rear is a small yard shared by several adjoined warehouse/workshop buildings accessed from Tarring Road by a private drive between Nos 117 and 119.

The site is not within a designated shopping centre.

Proposal

Permission is sought for a change of use to a tattoo parlour (sui generis).

No external changes are proposed.

Relevant Planning History: None.

Consultations:

WSCC: the Local Highway Authority has raised no objection, commenting that the proposed use is not anticipated to give rise to a material increase in traffic movements to or from the site.

Southern Water: No objection.

WSP: No objection is raised, but an informative is recommended advising the Applicant that the site is adjacent to an area of surface water flood risk and should consider creating an emergency plan in case of a flood event.

Sussex Police: No objection is raised, but advice is provided to the Applicant on crime prevention measures.

Adur and Worthing Councils:

The ***EHO (Public Health)*** has raised no objection in principle, but notes that trading hours are not listed. A condition is recommended stipulating that opening hours are restricted to between 08:00 - 19:00 Monday to Saturday, unless the hours stated are less than this.

The ***EHO (Health & Safety)*** has raised no objection, but the Applicant is reminded that it will be necessary to register the business with the Council.

Representations: None received.

Relevant Planning Policies

Worthing Local Plan policies (WBC 2023): SP1, DM8, DM15, DM22
National Planning Policy Framework (MHCLG 2024)
National Planning Practice Guidance

Planning Assessment

Principle

The lawful use of the premises can reasonably be considered to fall within Class E. Express planning permission was not granted for the use of the premises by 'Pause Community Hub', and it operated at the site for less than 10 years.

The information submitted in support of the application explains the current ambiguity in the Use Classes Order relating those uses historically considered as 'sui generis' but which may now be deemed to fall under Class E(c)(iii) comprising "any other services which it is appropriate to provide in a commercial, business or service locality". The uncertainty is supported by 2 apparently contradictory appeal decisions (both dating from 2022), one which found a tanning salon (in the particular circumstances of that case) as falling

within Class E; but another that concurred with a tattoo parlour use as ‘sui generis’. The application is made for the for the avoidance of doubt.

The former use as ‘Pause Community Hub’ is described in the submission as a ‘day centre’ within Class E. There is no reason to dispute this. Understood to be a not-for-profit organisation that relied on donations to open, it provided a ‘drop in’ centre for people to come together and socialise, with coffee mornings, craft and other activities run on behalf of a local church group. It is understood the couple that ran ‘Pause Community Hub’ have since retired, and the centre has closed.

Policy DM8 states that development that would result in the loss of community facilities will normally be resisted and will only be permitted where (i) an accessible replacement facility of a similar nature is provided that meets the needs of its current an intended users as well as the local community, or (ii) it can be demonstrated that the existing premises is no longer required or viable in their current use and the premises have been appropriately marketed for an alternative community use.

The drafting of this policy predates the changes to the Use Classes Order in 2020 which split the uses formerly grouped into Class D1 (Non-Residential Institutions) into Class E (Commercial, Business and Services Uses), Class F.1 (Learning and Non-Residential Institutions) ad Class F.2 (Community Uses). Although not publicly funded, it is not doubted that the ‘Pause Community Hub’ provided a service to the local community in combatting loneliness and promoting mental health wellbeing. However, given that the existing premises could be used for *any* use within Class E (ranging from a shop, cafes/restaurant, healthcare or medical centre, day nursery, office or indoor sports centre) without planning permission, it would not be reasonable in this case to expect the premises to be marketed for alternative ‘community’ use.

There are other community facilities nearby, including St Matthews Church Hall (within 200 metres).

The proposed use as a tattoo parlour would be consistent with the history of commercial use of this property and the low-key commercial character of this short parade of shops located outside a designated shopping centre.

Residential Amenity

From the limited evidence available, it appears the former ‘Pause Community Hub’ was primarily a daytime use, and the former office use prior to that.

There would be 2no full-time tattoo artists employed on the premises. No opening hours have been stipulated on the submitted forms. It can reasonably be expected that the intensity of use as a tattoo parlour would be relatively low-key. However, given the existence of a residential flat directly above together with the ‘older’ nature of this property (and absence of information

relating to noise insulation qualities of the floor/ceiling), the hours of use recommended by the EHO are considered appropriate.

Highway Safety

There is no on-site parking provision. However, the parking demand generated is unlikely to differ substantially from former uses of this premises. On-street parking immediately in front of the premises is limited to 1 hour (no return within 1 hour). However, the property is conveniently located on a bus route serving the local area, and within easy walking distance of Worthing and West Worthing rail stations.

Recommendation

APPROVE subject to Conditions:-

1. Drawing Numbers
2. Standard time limit
3. No use except between the hours 08:00 - 19:00 Monday to Saturday

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.

The Applicant is advised that the site lies adjacent to an area of surface water flood risk and consideration should be given to formulating an emergency plan in the event of a flood.

The Applicant is advised that it will be necessary to register the business with the Council where skin piercing services are to be offered. This includes, tattooing, semi-permanent makeup, such as microblading, electrolysis, acupuncture and cosmetic piercing.

Please click on the following link which will provide you with the information you require, including the online application form and cost. Once your application has been submitted and the fee has been paid, we will contact you to arrange a time to inspect your premises. This is to check compliance with byelaw requirements, and that general health and safety standards are being met.

https://www.adur-worthing.gov.uk/licensing-and-permits/other-licences/skin-piercingtreatments/

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Sussex Police recommends from a crime prevention perspective that consideration be given to the fitting of an intruder alarm to protect the premises out of hours.

Should the Applicant be keeping the existing doors and windows - all external doors along with ground floor and any easily accessible windows should be checked to ensure that they are fit for purpose and are fitted with adequate locks.

Should CCTV be a consideration the following documents will be of assistance:
CCTV guidance for police requirements: HO (publishing.service.gov.uk)
CCTV at Commercial Business https://www.gov.uk/can-i-use-cctv-at-my-commercial-premises
CCTV | Search | Information Commissioner's Office (ico.org.uk)

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

Case Officer:	Jo Morin	Date:	05.02.2025
Authorised by:	Peter Barnett	Date:	6 February 2025