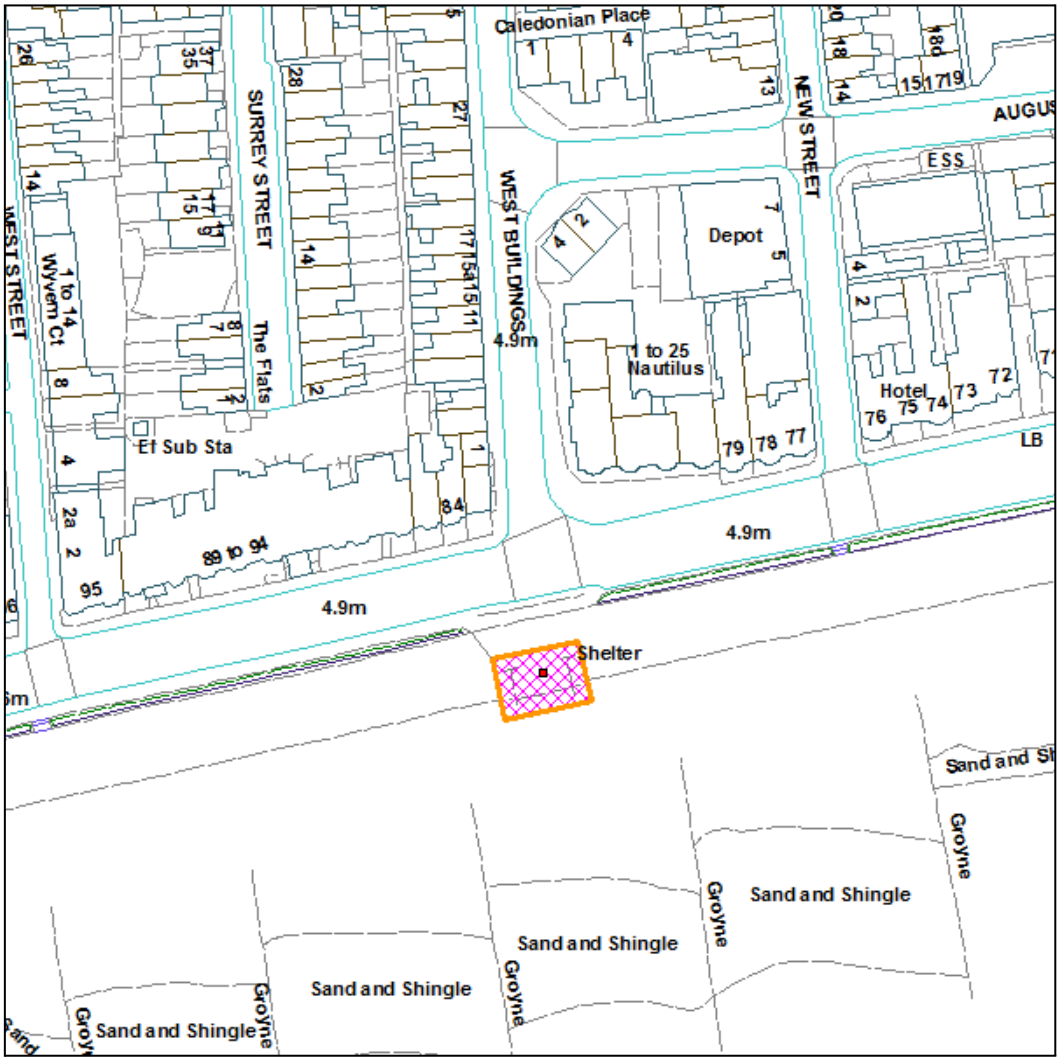
Application Number:	**AWDM/0653/23**	**Recommendation - APPROVE**
Site:	**Shelter South Of West Buildings, The Promenade, Marine Parade, Worthing**	
Proposal:	**Demolition of existing public shelter and redevelopment to provide two Use Class E(b) restaurants set over two floors.**	
Applicant:	Other Nextcolour Ltd	Ward: Central
Agent:	Geraint John Planning Limited	
Case Officer:	Gary Peck	



Not to Scale

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Current Situation

At the August 2021 meeting of the Committee, a previous application at this site was delegated for approval to the Head of Planning and Development, in consultation with the Chairman, subject to the receipt of satisfactory amended plans in respect of the design of the building. The previous report is appended. The application sought a variation to a scheme approved in 2019 which had not been implemented

After the August 2021 consideration of the application, the agent confirmed that dialogue had been ongoing with commercial operators which had been difficult with the ongoing economic uncertainty brought about by COVID and escalating build costs and to ensure that the scheme remained both viable and deliverable. The agent had previously advised your Officers that until this dialogue had been successfully concluded, the applicant was not in a position to come back with amendments to the scheme as requested.

Plans were not, therefore, submitted until September 2022 by which time the 2019 permission had lapsed. As the earlier permission had lapsed, it was no longer possible to consider a s73 application seeking amendments to its design and procedurally, therefore, the proposal considered by the Committee in 2021 had to be withdrawn.

The current application is therefore a fresh application but in effect again seeks to revise the 2019 permission by dividing the building into 2 restaurants and seeks to address the matters which the Committee had raised as part of its resolution in August 2021. As a new application, the application has to be reported back to the Committee for determination (the Council is the landowner).

The Council had a contractual agreement with the proposed developer, however, due to the expiry of a time critical long stop date within the agreement the Council terminated the agreement by a letter dated 27 July 2023, in accordance with the terms of the agreement.

Consultations

Southern Water

No objection

West Sussex Highways

WSCC as the County Highway Authority (CHA) has considered the proposal above. As the development is outside of the public highway boundary WSCC offers advisory comments.

Walking and Cycling The application does not specify how many covers the two restaurants will offer however; as all visitors will access the site on foot, or by bicycle, it is highly likely that visitors who travel by car will use the existing car parking options in the Town. Using the WSCC Car Parking Standards, and proposed

layout plans we have calculated the usable floor space to be 646sqm, and would advise provision of the following: -

Cycle Parking standards for E (b) 1 space per 4 staff and 1 space per 25sqm for customers = 8 spaces for full time staff and 10 for part time staff, and 26 for customers. This must have a cover and be secure.

Car parking demand from a 646 sqm E (b) restaurant 1 space per 5 sqm = 130 spaces (absorbed within the local on street parking bays and multi-storey car parks) As the proposal will create a higher trip rate than the existing shelter this will create more movements in this area. WSCC has looked at the existing pedestrian routes to the site within the locality and are pleased to see provision is in place for the visually and mobility impaired and a pedestrian crossing is located directly opposite the site with tactile paving and a ramp directing people onto the promenade. As the promenade does not form part of the public highway network WSCC can offer comments in an advisory capacity regarding any improvements to this area. We would advise that due to the higher number of pedestrians/cyclists visiting the restaurant the development should consider this in their designs, to avoid conflicts in movements.

Deliveries

Details regarding servicing and deliveries to the restaurant can be sent to the LPA for approval. Construction During the construction phases there will need to be a full Construction Management Plan (CMP) including traffic management to be submitted to the LPA for approval, to ensure a route for pedestrians and cyclists is still possible and that the traffic associated with the construction works does not mix with the public, or if it has to measures are put in place to protect the public.

Environmental Health (Public Health)

I do not anticipate that this use would have any detrimental noise impact on the surrounding community so I have no objection to the application in principle subject to conditions

Environmental Health (Food Team)

There is no mention of the number of covers for the restaurant. I can only find two WCs (Wheelchairs on the plan) located on the first floor by the lift and the stairs (???) They are planning to employ 30 full time and 40 PT staff. The Kitchen is on the first floor and no layout is provided, will there be a food service lift to avoid staff carrying food and bringing empty plates up and down the stairs? This plan has a much reduced internal layout compared to the original. Our WC provision guidance only goes up to 199 covers and thereafter we will need to negotiate with reference to BS6465 and the Workplace Regulations as there are so many employees. The space/siting of toilets should be sorted at the planning stage, compliance with the WC provisions is essential.

Sussex Police

From a crime prevention perspective, the applicant and their partners are strongly advised to consult directly with the licensing team at Sussex Police before making plans for licensed premises serving alcohol or conducting other licensable activities at this site.

Given the high number of residential properties within the surrounding area I have concerns about the amenity of the surrounding local community in that they will be unduly affected by noise by outside dining and drinking. The accompanying application form does not state opening hours so I would therefore ask if permission were to be granted that reasonable hours of trading are made a condition of consent in order to protect the amenity of nearby residential occupiers. Furthermore, in order to safeguard against a more general A4 use, I would also ask that any consent for this or future application for the premises is conditional that alcohol is ancillary to food prepared on the premises and served at table by waiting staff and that substantial food be available at all times.

Conservation Architect

The current seafront shelter is situated mainly on the raised seaside promenade and is within the Marine Parade and Hinterland Conservation Area. This section of Worthing's seafront is particularly important,exhibiting the original 19th century Regency form of terraced development,through grand Victorian to late twentieth and early twenty first century.The wide promenade, elegant street lamps, the decoratively detailed period seafront shelter (circ. 1920s), and the adjacent shingle beach and the sea establish the seaside character of the area and the setting for this attractive frontage.The building opposite the seafront shelter on the south-west corner of West Buildings, No.83 Marine Parade is an early nineteenth century, Regency Building (Grade II listed).Nos. 77-79 Marine Parade are also Regency Buildings (Grade II listed), whilst West Buildings (originally John Street) was also laid out in the early nineteenth century with views towards the sea, and still retains a high percentage of the original buildings, a number of which are listed.

Since the current esplanade was laid out in 1821 the main built frontage of Worthing's seafront has remained set back from the shingle shore separated by Marine Parade and the wide elevated promenade. Few buildings other than seafront shelters and small toilet blocks have been erected on the promenade and along the shoreline, the major exceptions being Worthing Pier (Grade II listed) and the Lido(Grade II listed), iconic structures specific to Worthing. Worthing's seafront is one of the town's greatest assets and the promenade is a primary route for both visitors and locals.

It is this streetscape including the above-mentioned listed buildings that form part of the special architectural and historic interest of the Marine Parade and Hinterland conservation area, contributing to its character and significance.

The existing seafront shelter has been identified and included in Worthing Borough's list of Local Interest buildings. This shelter is one of an array of such building types dotted along the promenade. It was designed to encompass a large number of

pedestrian benches facing in four different directions with glazed screens which act as windbreaks,whilst allowing uninterrupted views of the sea through the building.This transparency,together with the slim roof and canopy design,resulted in a building of little visible substance. Sadly its attributes are currently obscured as the Council has chosen to board it up.

The earlier approved application (AWDM/1303/19) followed lengthy negotiations to help mitigate the impact of a large building on the beach. Although some heritage concerns still remained with this scheme causing harm to the conservation area (its location truncating the historic view southwards along West Buildings, the extent of impenetrable elevations to the east and north at ground floor level, and the proposed corporate dark coloured cladding), this harm was identified as less than substantial under the guidance set 2 out in the NPPF. It is important to note that the range of harm covered by 'less than substantial' covers levels of harm starting from very slight, up to but not including substantial.

The current application (AWDM/0653/23) moves the mass of the approved scheme slightly further east, whilst adding an additional single storey element onto the western end with an outside dining area located on its roof. The switch from one restaurant to two separate restaurants has resulted in a greater footprint and a number of changes to the elevations. The first floor cladding has been changed to white, and this will help the building to relate with the few other buildings currently south of the promenade.

North elevation:

The proposed elevation facing towards Marine Parade on the elevated promenade presents a greater area of solid mass having lost the simple but elegant, floor to ceiling glazing along the western third of the two storey element together with the extended blank façade of the new ground floor extension.The applicant has tried to mitigate this by the introduction of some high level glazing at first floor level. The proposed historic view towards the site from West Buildings struggles to engage with the street scene and exhibits a fairly dead frontage. This in turn results in a greater imposition on the setting of the adjacent buildings on the other side of Marine Parade.

South elevation

The proposed extended beach elevation has also suffered from a reduction in the percentage of glazing and the loss of balance in the façade. This is likely to be as a result of introducing two restaurants into the building, thus increasing the servicing areas required.

East elevation

The view when approaching the building from the east along the promenade some of the glazing has again been substituted for solid cladding at first floor level. This is a pity but again reflects the revised internal arrangements.

West elevation

The proposed new ground floor extension and first floor terrace are situated at the western end of the building. The use of a glass balustrade system to act as a wind break in this location is understandable, and the frameless solution shown works well. The proposal also offers slightly more glazing in this elevation which is welcomed.

Conclusion

It is considered that the external appearance of the development does negatively alter the relationship between the proposal and the Marine and Hinterland Conservation Area in which it is situated, as the larger footprint has resulted in a building of greater mass situated on the sea side of the promenade.

The NPPF (as amended) identifies three levels of harm to the significance of designated heritage assets, substantial harm, total loss, or less than substantial harm.In general terms, substantial harm is a high test, so it may not arise in many cases.In this case the harm caused is less than substantial, but is still considered to be greater than that identified in the previous approved scheme.In addition Paragraph 199 of the NPPF sets out that when considering the impact of a proposed development on the significance of a designated heritage asset such as a conservation area, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.This wording reflects the statutory duty in section 72(1)of the Planning (Listed Buildings and Conservation Areas) Act 1990.

There obviously will be some harm to the character of the conservation area and the setting of the listed building, at 83 Marine Parade. This needs to be weighed up with any public benefits as per Paragraph 202 of the NPPF.

Representations

32 letters of objection have been received on the following grounds:

- loss of sea view from West Buildings
- contrary to planning policies
- the size of the building should be no greater than the existing
- loss of privacy
- adverse impact upon the Conservation Area
- increased traffic and parking
- adverse impact upon pedestrians and cyclists
- increased noise pollution
- too many restaurants already
- procurement should be looked at again

8 letters of support have been received on the following grounds:

- development needed to maximise potential of Worthing

- shelter is an eyesore and causes anti social behaviour
- the promenade is devoid of interest in this area
- the site represents a wasted space at present

Sussex Industrial Archaeology Society

Object to the application and consider that the shelter should be retained as an important part of the town's architectural heritage and as an asset to the Conservation Area.

Worthing Society

Thank you for the opportunity of commenting on the aforementioned Planning Application which is located within the Marine Parade and Hinterland Conservation Area (CA). The shelter, which would be demolished, is recorded on the Local Interest Study 2003 as a local heritage asset. I have now had the opportunity to discuss the plans with our Heritage Team and we object to the application on the following grounds:

1. DESIGN AND ADVERSE EFFECT ON THE CONSERVATION AREA

a) The contemporary design does not complement or reflect the character of Worthing's traditional seafront which has examples of Regency, Victorian and the later Art Deco architectural style. There are proximate listed buildings and their 'setting' will not be enhanced by the new two-storey building situated on the beach. We consider it will be intrusive and out of proportion.

b) The present unobstructed open views of the seafront across the bay include the Lido and Pier, both listed buildings, which have group value. They are a focal point and an important element of Worthing's traditional character. The appreciation of these seafront views will be adversely and permanently affected by a significant building situated on the beach.

This is clearly illustrated by the Computer Generated Images (CGI's) referred to on page 11 of the applicants 'Planning and Heritage Statement': The first CGI:- Proposed CGI of Northern Elevation (daytime) looking east illustrates how the scale and height of the restaurant will reduce the appreciation of the valuable sea views, diminishing the 'setting' of the Grade II Listed Pier and Lido which are prominent features. It should be noted that these designated heritage assets are located within the adjacent South Street CA which will also be adversely affected by this proposal. The second CGI:- Proposed CGI of Northern Elevation (night time) demonstrates how this part of the CA looking south from West Buildings will be affected. The view to the sea will be obscured and dominated by the two-storey restaurant building. This will give an unfortunate sense of enclosure for existing residents, overwhelming the context of the neighbouring listed buildings and dominating the skyline. (It will be equally relevant during the day).

2. OVERDEVELOPMENT:

The proposal to include two restaurants necessitates a two-storey building which will have a negative impact on the seafront promenade. It is very concerning that the building in this ‘fresh proposal’ also has a larger footprint than the building submitted in the previous application. In our opinion, the proposal for two restaurants at this relatively compact and sensitive site represents an overdevelopment of the available site area.

3. LOSS OF AMENITY

We note that near residents are seriously concerned about the adverse effects of noise, waste and food smells, if the development goes ahead. In particular, there will be a loss of light and sea views affecting properties directly opposite the site. The apartments at the Nautilus House building will be affected by overlooking from the external balcony areas of the restaurants. Beach shelters are purposely designed as low-level features to complement the seaside environment and allow appreciation of the views without impacting on surrounding buildings.

Concerns have also been raised about the effect on parking facilities for residents in an area already under strain. Therefore, if the application is approved, we consider it will result in a serious and unacceptable loss of public amenity for existing residents.

4. RELEVANT PLANNING POLICIES

In our opinion, this application is not consistent with the following planning policies:-

a) The Planning (Listed Buildings and Conservation Areas) Act 1990 states that “changes in a conservation area should ‘enhance or better reveal’ their characteristics.” In our opinion the development will not achieve this.

b) National Planning Policy Framework (NPPF) Section 16 - Conserving and enhancing the historic environment.

c) POLICY 8 NPPF: This policy is mentioned by the Applicant and refers to:- ‘an environmental objective - protecting and enhancing the natural, built and historic environment’. We consider this provision cannot be met given the size, scale and position of the proposed building.

d) Worthing Local Plan Policies:- DM23 - Strategic Approach to the Historic Environment

Para a) The Council will conserve and enhance the historic environment and character of Worthing which includes historic areas, buildings and their settings, important views and relationships between settlements, landscapes and seascapes

DM24 - The Historic Environment Para a) Where development affecting any designated or undesignated heritage asset is permitted, it must be of a high quality, respecting its context and demonstrating a strong senses of place.

Para e) Development in Conservation Areas will be required to be of a high standard of design so as to enhance and preserve the character and appearance of that area, and preserve important features.

THE PREVIOUS APPLICATION-AWDM/1303/19 (Approved). We note the earlier application AWDM/1303/19 was approved. Some improvements have been made in respect of colour and materials which are reflected in this 'fresh application'. However, if a development does proceed for this site, we consider that only a single storey, replacement building would be acceptable. The main priority is to respect the coastal views and scale of the conservation area. Furthermore, the design should be of the highest possible quality reflecting, perhaps, the Art Deco character of the Lido and Pier. The materials should be predominantly of glass to protect both the sea views and the setting of the proximate heritage assets and protect the amenities of near residents. An alternative option could be to restore and possibly extend the existing shelter as a community hub or local facility.

SUMMARY

We strongly object, in principle, to a building of this size being constructed on the beach. If approved, this relatively substantial building could set an unfortunate precedent which would result in a cumulative erosion of our coastal views, reducing Worthing's historic character and sense of place. This is illustrated by the fact that the application will also affect the 'setting' of the adjacent South Street CA. In our opinion, the application is not consistent with the Planning Policies in place to protect our heritage assets. In fact it will cause permanent, significant harm to the setting of the Marine and Hinterland Conservation Area, whilst resulting in the loss of a Locally Listed heritage asset.

For the reasons stated we consider this application should be refused.

Relevant Planning Policies and Guidance

Worthing Local Plan 2020-2036:
DM5 Quality of the Built Environment, DM6 Public Realm, DM7 Open Space, Recreation and Leisure, DM8 Delivering Infrastructure, DM13 Retail & Town Centre Uses, DM16 Sustainable Design, DM20 Flood Risk and Sustainable Drainage, DM22 Pollution, DM23 Strategic Approach To The Historic Environment, DM24 The Historic Environment

Supplementary Planning Document 'Sustainable Economy' (WBC 2012)
'Infrastructure Delivery Plan' (WBC 2010)

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) provides that the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations

Section 73A and also Section 72 Planning (Listed Building & Conservation Areas) Act 1990 which require the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the appearance of the Conservation Area.

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

As noted above, the Council as landowner terminated its agreement with the developer by letter at the end of July. Accordingly, therefore, without any such agreement the development will not proceed irrespective of any decision made by the Planning Committee. Your officers did request that the applicant's agent withdraw the application against such background; however, the agent, as is their right, has requested that the application be determined in any case. It is a feature of the planning system that any individual/organisation can make an application on land that they do not own and such an application can be decided even if there is no realistic prospect of the development being implemented as is the case here.

While procedurally a fresh application, the detail within it is essentially a response to the resolution of the Committee in October 2021 to grant permission for the development subject to design changes being agreed by the then Chair.

The previously approved scheme (2019) is shown below. The permission was not implemented and has now lapsed.



The revised scheme (below) is that which the Committee in August 2021 resolved as acceptable in principle but sought an amended design. In particular, concern was expressed about the longer and darker elevation facing West Buildings.



The amended scheme, in response to the Committee's comments, is shown below:



Your Officers consider that the revised scheme is an improvement over that originally submitted in the 2021 application and addresses the outstanding concerns previously raised by the Committee. In particular, the lighter cladding and reintroduction of the glazed area at the western end of the building reduces the visual impact of the proposal which were particular concerns of the Committee at the time. It is within the context of that resolution, as well as the previous 2019 permission on the site which, while lapsed, remains a material consideration, that the recommendation for approval is made. Members will note by comparison to the 2021 application, which resulted in very little public response, that many more

representations have been received, the vast majority of which object to the application although some representations of support have been received too. The 2019 application had attracted an even greater number of representations both in support and opposition to the application.

Conclusion

The Committee has previously concluded that the benefits of the proposal, in terms of the provision of an improved visitor offer to the town and new investment would outweigh any harm to surrounding heritage assets. The revised proposal is now more akin to the 2019 approval in respect of its visual appearance to the north (albeit larger) and having regard to the Committee's resolution in August 2021, it is considered that planning permission should be granted.

The fact that the Council as a landowner has terminated the agreement with the potential developer and therefore the development cannot proceed in the absence of such agreement is a separate issue from the planning process and the application has to be considered solely on its planning merits.

Recommendation

APPROVE

Subject to Conditions:-

GRANT approval subject to the following conditions:-

1. Development in accordance with Approved Plans.

2. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

   Reason: *To comply with Section 91 of the Town and Country Planning Act 1990.*

3. The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development.

   Reason: *To ensure adequate protection of the public sewers in the vicinity of the site.*

4. Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

   Reason: *To ensure adequate provision is made for foul and surface water sewerage disposal.*

5. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

   Reason: *To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.*

6. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

   - ☐ the anticipated number, frequency and types of vehicles used during construction,
   - ☐ the method of access and routing of vehicles during construction,
   - ☐ the parking of vehicles by site operatives and visitors,
   - ☐ the loading and unloading of plant, materials and waste,
   - ☐ the storage of plant and materials used in construction of the development,
   - ☐ the erection and maintenance of security hoarding,
   - ☐ the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
   - ☐ details of public engagement both prior to and during, construction works,
   - ☐ methods to control dust from the site
   - ☐ HGV construction traffic routings shall be designed to minimise journey distance through the AQMA's

   Reason: *In the interests of highway safety and the amenities of the area.*

7. The premises, excluding the external seating area, shall only be open for the public between the hours of 08:00hrs until 00:30 hrs, Monday to Sunday. The external seating area shall only be used between 0800 hours and 23:00hrs Mon - Sat and 0800 to 22:00hrs on Sundays and Bank and Public holidays, with external tables and chairs removed or rendered inaccessible to customers, all doors, windows closed and no drinks to be taken outside of those times).

   Reason: *In the interests of the amenities of nearby residential properties.*

8. The use hereby permitted shall not be carried out unless and until a Noise Management Plan identifying the main sources of noise and methods of controlling them has been submitted to and approved in writing by the Local Planning Authority. Thereafter the Noise Management Plan shall be adhered to at all times the premises is open for business.

   The Noise Management Plan should include:
   - Details of Signage
   - Monitoring with intervention when necessary

- Any noise complaints to be investigated and the Management Plan reviewed if necessary.
- Only unobtrusive background music shall be played in the internal seating area of the premises up to 22:30 hrs Monday to Saturday and 22:00 hrs on Sundays and Bank Holidays. For this purpose the music noise level shall not exceed 75dB (LAeq15min) anywhere within the premises. No music permitted outside the premises.
- Bottles to be disposed of between 08:00 hrs - 19:00 hrs only, and waste collection of bottles should be arranged for day time hours.

Reason: *To ensure the adequate control of noise from the site in the interests of the amenities of neighbouring properties.*

9. A scheme shall be submitted to and approved by the local planning authority for attenuating all external fixed plant. The scheme shall have regard to the principles of BS 4142:2014+A1:2019 and ensure there is no detrimental impact to the nearest residential dwellings. A test to demonstrate compliance with the scheme shall be undertaken within one month of the scheme being implemented. All plant shall be maintained in accordance with manufacturers guidance and any future plant shall also meet the specified levels within the approved scheme.

   Reason: *To ensure there is no detrimental impact to the nearest residential properties from any external fixed plant.*

10. The use hereby permitted shall not be carried on unless and until details of a suitable system for the extraction and disposal of cooking odours (including details of the extract fans, filters, fan units and ducting together with method of noise abatement, as well as details of grease traps and extraction hoods) has been submitted to and approved in writing by the Local Planning Authority. The equipment approved under this condition shall be installed before the use hereby permitted commences and thereafter shall be maintained in accordance with the manufacturer's instructions.

    Reason: *To ensure the installation of a suitable extraction system.*

11. All works of demolition and construction, including the use of plant and machinery and any deliveries or collections necessary for implementation of this consent shall be limited to the following times. Monday - Friday 08:00 -18:00 Hours Saturday 09:00 - 13:00 Hours Sundays and Bank Holidays no work permitted.

    Reason: *In the interests of amenity.*

12. Prior to the commencement of development, details of the floor level of the proposed building and any alterations to the ground levels of the site shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in strict accordance with such details as approved.

Reason: *In the interests of amenity and the environment having regard to DM5 of the Worthing Local Plan.*

13. Prior to the commencement of development, a Flood Evacuation Plan shall be submitted to and approved by the Local Planning Authority and the approved details maintained thereafter.

    Reason: *To ensure adequate means of evacuation in the event of a flooding incident.*

14. No development shall be carried out unless and until a schedule of materials and finishes to be used for the external walls (including windows and doors) and roof (to include provision of a green roof) of the proposed building has been submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved schedule. The schedule shall include provision of a quality plan to ensure good quality low maintenance materials.

    Reason: *In the interests of visual amenity and to comply with policy DM5 of the Worthing Local Plan .*

15. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), the premises shall be used only for purposes within Use Class E(b) as defined in the Town and Country Planning (Use Classes) Order 2021 or in any equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification.

    Reason: *In the interest of amenity having regard to policy DM5 of the Worthing Local Plan*

16. Prior to the commencement of the development, structural and coastal flooding and erosion prevention details shall be submitted to and agreed by the Local Planning Authority in consultation with its Technical Services section. Such details shall include the demonstration of adequate prevention of the building hereby permitted against wave overtopping, shingle erosion within the vicinity of the building, undermining of the building, washed up shingle against the floor slab of the building, details of any repositioned shingle and the method of support of the proposed decked area. The approved details shall be maintained thereafter unless otherwise agreed by way of application to the Local Planning Authority.

    Reason: *To ensure that the building is suitably mitigated against any risk of flooding by its method of construction.*

Informatives / Notes to Applicant

1. 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.

2. The applicant is requested to have regard to the Adur and Worthing Councils Minimum standards of Customer WC provision in restaurants guidance and is invited to contact the Council's Food Safety team for further information.

3. A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link https://beta.southernwater.co.uk/infrastructure-charges

4. A formal application for connection to the water supply is required in order to service this development. For further advice, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119), www.southernwater.co.uk or by email at developerservices@southernwater.co.uk

APPENDIX - PREVIOUS COMMITTEE REPORT, AUGUST 2021

Proposal

This application proposes amendments to the permission granted under reference AWDM/1303/19 for a 2 floor restaurant to the south of Marine Parade, opposite West Buildings. The proposed amendments are summarised as:

- Division of the single restaurant unit into 2 units, with The Lounges occupying the ground floor internal / external area, and Hubbox occupying the first floor internal / balcony area;
- Internal amendments to the floor plans including the relocation of the bin storage enclosure,rotation of the main staircase and relocation of lift.
- Revised signage to reflect occupancy of new restaurants;
- Relocation of windows / doors on external walls;
- Inclusion of balcony area on first floor in place of the approved retractable roof;
- Proposed balustrade around balcony area on first floor;
- Increase in footprint of building (approved building footprint of 297 sqm, proposed building footprint of 397 sqm); and
- Relocation of the proposed decking area

The reason for the application is summarised by the applicant's agent as such:

The changes set out within this application seek to facilitate the division of the singular restaurant unit into 2 separate restaurant units, as a result of the impacts that the ongoing Covid-19 pandemic has had on the hospitality industry.

Prior to the approval of the planning permission at the public shelter (ref. AWDM/1303/19), Worthing Borough Council put the site out to tender in an attempt to see the shelter redeveloped. Bistro Pierre comprised the winning bidder for a long-term lease, with the site to be developed by Nextcolour.

In light of the continuing impact that Covid-19 has had on the hospitality industry and as a result of the restrictions over the last 14 months, while Nextcolour are still developing the site, the 2 units have now been reconfirmed, retained and pre-let by The Lounges and Hubbox. Both units would be looking to trade as soon as possible, with a target date set as September 2021.

As a result of the division of the unit into 2 restaurants, a number of proposed minor amendments require consideration, these relate to the internal arrangements of the building, enlargement of the building footprint, inclusion of balcony on the first floor and relocation of doors / windows on external boundaries. All minor amendments proposed are contained within the approved redline boundary.

Site and Surroundings

The application site is located immediately south of Marine Parade in Worthing, located on the Promenade. The site is situated opposite the junction of Marine

Parade and West Buildings, approximately 200 metres west of the Lido, and 400 metres west of the Pier. The site is also about 400 metres east of Heene Terrace.

The site partly comprises an existing shelter (although the proposed building would extend further to the south onto the beach) which has been previously identified as a Local Interest building but at present has fallen into disrepair.

The application site is within the Conservation Area (the boundaries of which include the beach) and is almost directly opposite the listed building at 83 Marine Parade (on the corner of West Buildings). There are further listed buildings fronting the seafront to the east (73 to 79) as on the western side of West Buildings, the nearest being number 9. Development nearest the application site is typically 4 stories, some with a basement, although the listed building directly opposite is a storey lower.

Relevant Planning History

AWDM/1303/19: Demolition of existing public shelter and redevelopment to provide an A3 restaurant set over two floors with outdoor seating area at ground floor and a covered external first floor terrace - approved but not implemented.

AWDM/1925/19: Application under Regulation 4 of Town and Country Planning General Regulations 1992 to vary condition 7 of previously approved AWDM/1303/19 to be open for the public between the hours of 8:00 until 00:30 Monday to Sunday inclusive - Permission granted

Planning permission was previously granted in 2007 for the Demolition of existing public shelter and redevelopment with a single storey building to provide a restaurant (Use Class A3). The consent was also not implemented. (Application reference 07/0141/FULL).

Consultations

Worthing Society - Initial comments

I am writing on behalf of The Worthing Society to object to the proposed amendments to the plans approved under AWDM/1303/19.

The applicant has deemed these changes to be minor in nature and as such the level of detail provided with the application to support these new proposals seems to be rather limited. The drawings lack detail, there is limited explanation as to why these changes are necessary and minimal information on their impact, for example regarding the location and number of covers for each unit in comparison with the approved plans (apologies if I have missed this information).

In our view these represent a major change in the original plans and all aspects of the application need to be thoroughly reviewed again. In summary the most significant changes appear to be:-

1. The singular approved restaurant is now to be split into 2 units.

2. An increase in the size of the building footprint from 297 square metres to 397 square meters. This is a 35% increase.
3. The loss of the retractable roof.
4. The inclusion of a new balcony on the first floor of 85 square meters.
5. The increase in the amount of decking such that I think it now circumvents the building onto the beach and promenade.
6. A shift in the decking as a result of the increased footprint.
7. The addition of a timber feathered edged timber gate to the North East facing the promenade.
8. Re-location of the internal bin storage area, main staircase and lift.
9. Re-location of windows/doors on external walls.

In our opinion the level of alteration, particularly the increased footprint, is such that to deal with this proposal as an amendment is inappropriate and a new application should be required with a commensurate level of detailed drawings, revised visuals and commentary.

This site is in a Conservation Area and has a number of listed buildings nearby.

We have no objection to a restaurant/cafe on the beach at this location but the increased size of the proposed building with the additional balcony and other additions plus the decking is too large and not in keeping with the location. It should be kept in mind that the original application was deemed to be a re-development of the existing shelter site but in fact the original shelter was 58 square meters and the proposed site is 708 square meters. We are not in favour of a further enlargement of the building itself or further encroachment onto the beach by more decking...

...We remain concerned by the proposed colour palate for the exterior - it is too dark and out of step with the buildings in that area.

In our view the changes proposed in this application contravene Worthing Core Strategy 2011, notably Strategic Objective 6 and Policy 16 Built Environment and Design. It also seems contrary to The Town and Country Planning Act 1990 on conservation and the historic environment.

Worthing Society - Further comments following the submission of additional information:

Thank you for forwarding the additional correspondence in relation to AWDM/0941/21. The 3D visuals are very helpfuland we appreciate the additional commentary from Emily Thorne. Sue Belton has asked me to forward our comments.

Taking the architects points in turn:-

1. The visuals seem to show that the built form is indeed quite a bit larger on the Western elevation. It is also no longer symmetrical in form and looks quite different without the retractable roof. It has in our view definitely impacted in a material way the view from West Buildings/Crescent Road. The architects explanation in paragraph 2 is interesting “ the approved and proposed building is narrow and linear

in nature, therefore any increase in form is likely to result in an elongation of the building, albeit a suitable gap is still maintained." We are not convinced that a suitable gap has been maintained. This judgement is made more difficult by a lack of information on the increase in size - how much furtherWest is the built form extending? It is also a stretch in our view to say later in the same paragraph "additionally it can be seen that on the first floor that as a result of the replacement roof with an outdoor balcony area on the western elevation there has been a visual reduction in the built form on this side of the building." The roof might have gone but the space underneath it is larger and the visuals clearly show that the building is bigger.
The application for the amendments shows a 35% increase from 297 square metres to 397 square metres in the building footprint. This appears to be split between:
a) the amount that the proposed balcony to the West is bigger than the original area under the retractable roof
b) the increased decking onto the promenade and beach.
It is still not clear how much bigger the balcony is and how many extra covers are proposed. It is also not clear how much bigger the decking is and how many extra covers are proposed. This goes to the heart of the increase in size and the impact although the visual impact of the balcony is clear. If we have missed this information my apologies.
2. The architect seeks to justify the increased decking outside (now circumventing the building) by saying that lockdown has shown the need for cafe/restaurants to have significant outside space. This is a perfectly acceptable argument but the applicant has failed to advise how much bigger and how many more covers have been added, so it is difficult to understand the increase in scale and whether it is justified, particularly as there will be an impact on the promenade and beach which is amenity space. The original application provided diagrams of the internal layout and covers but as far as Ican see no update has been provided.
3. The claim later in the e-mail that the amendments do not materially alter the external appearance of the building and that there is no need for any further information relating to the heritage impact of the section 73 application is in our view incorrect. The changes are material and do impact the view from West Buildings/Crescent Road and indeed from the Pier.The addition of the visuals by themselves show the impact and confirm the need to justify it.
4. There are some more minor issues around the relocation of windows and doors and change in signage that have not been addressed but maybe these are not key to the revisions.
5. It appears from the first paragraph that the applicant is now providing examples of the materials for the committee - not sure if this means it is going back to the committee?

Agent response to above comments

1. The visuals seem to show that the built form is indeed quite a bit larger on the Western elevation.

Agent response: This comment is misrepresentative - as it neither 'quite a bit larger' nor is the whole larger (the eastern elevation being reduced in scale and form). Greater details on the changes are set out below.

It is also no longer symmetrical in form and looks quite different without the retractable roof.

Agent response: The building in its original (approved) form was never intended to be perfectly symmetrical. There is no requirement for it to be either. Rather it is the way it appears overall that is key and important. The building will be at its most visible when approached and viewed on approach from both directions along the promenade. The revised scheme will not alter this in any respect.

It has in our view definitely impacted in a material way the view from West Buildings/Crescent Road. The architects explanation in paragraph 2 is interesting " the approved and proposed building is narrow and linear in nature, therefore any increase in form is likely to result in an elongation of the building, albeit a suitable gap is still maintained." We are not convinced that a suitable gap has been maintained.

Agent response: The gap represented and illustrated by the CGI is just one vantage point of the scheme from West Buildings/Crescent Road. At points further back along and further forward along, the buildings appearance will alter and the gap at either end will increase or decrease as a result. Moreover the CGI (framed and positioned with the previous one for consistency) is generated from a point at the centre of the road which is not representative of the actual route walked along (these being the pavements at either side of the road). The gap will be different at each end depending on which side of the road a pedestrian approaches the site...moreover it is the case of course that the building is not central to the view along West Buildings/Crescent Road.

It is also a stretch in our view to say later in the same paragraph "additionally it can be seen that on the first floor that as a result of the replacement roof with an outdoor balcony area on the western elevation there has been a visual reduction in the built form on this side of the building." The roof might have gone but the space underneath it is larger and the visuals clearly show that the building is bigger.

Agent response: ....this point distorts the point we were making. It is clear and evident that the scale, mass and form of the proposed building is less at first floor level at its eastern end. The point was made to put the overall change into context and perspective. We'd suggest that an objection cannot be sustainably made on the basis of an increase in scale at one part without accepting there are reductions elsewhere.

The application for the amendments shows a 35% increase from 297 square metres to 397 square metres in the building footprint. This appears to be split between:

a) the amount that the proposed balcony to the West is bigger than the original area under the retractable roof
b) the increased decking onto the promenade and beach.

It is still not clear how much bigger the balcony is and how many extra covers are proposed. It is also not clear how much bigger the decking is and how many extra covers are proposed. This goes to the heart of the increase in size and the impact although the visual impact of the balcony is clear. If we have missed this information my apologies.

Agent response: A compare and contrast of the approved and revised scheme allows the extent of the decking area increase to be understood. The additional area

proposed is confined to the southern and western sides/ends. The revised decking merely extends along the length of the building on the southern side, as opposed to approximately along half the length. The decking area on the western end is marginally increased in size to allow for greater circulation space at the point of entry and exit from the built form on the western elevation. As you will be aware the need for greater space to allow for greater social distancing - not just between customers/diners but serving staff as they wait on tables is now a requirement...there is no limitation to covers in the planning permission already obtained.

2. The architect seeks to justify the increased decking outside (now circumventing the building) by saying that lockdown has shown the need for cafe/restaurants to have significant outside space. This is a perfectly acceptable argument but the applicant has failed to advise how much bigger and how many more covers have been added, so it is difficult to understand the increase in scale and whether it is justified, particularly as there will be an impact on the promenade and beach which is amenity space. The original application provided diagrams of the internal layout and covers but as far as I can see no update has been provided.

Agent response: Addressed in above point..

3. The claim later in the e-mail that the amendments do not materially alter the external appearance of the building and that there is no need for any further information relating to the heritage impact of the section 73 application is in our view incorrect. The changes are material and do impact the view from West Buildings/Crescent Road and indeed from the Pier. The addition of the visuals by themselves show the impact and confirm the need to justify it.

Agent response: The supporting information submitted with the application summarises the changes adequately

4. There are some more minor issues around the relocation of windows and doors and change in signage that have not been addressed but maybe these are not key to the revisions.

Agent response: The changes and alterations in this respect are not key to the revisions.

5. It appears from the first paragraph that the applicant is now providing examples of the materials for the committee - not sure if this means it is going back to the committee?

Agent response: We have provided additional detail and specification as requested and to aid the determination of the application and to emphasise the quality of the scheme.

We recognise that a new cafe(s) will be built in this location and may well be beneficial to the town. But the size and design need to be appropriate to the location.

Agent response: This is noted and appreciated...asserts that the scale and design is appropriate.

We have serious misgivings over the way the application for these amendments has been made - in our view there has been a lack of clarity and depth of information which makes it difficult to comment.

Agent response: This comment is wholly without substance....despite asserting that it is difficult to comment, the society has submitted detailed comments.

The applicant should be asked to provide additional detail on the proposed increase in size of the building/number of covers so that a fair judgement can be made. The seriousness of the changes in our view warrant a new application but failing that a comprehensive update on the plans should be requested such that an informed decision can be made.

Agent response: The first of these points has been addressed above, as has the latter - in that the submissions made clearly set out the changes to the scheme and the differences...the acceptability of the proposals has of course been responded to above.

Conservation Architect

The current seafront shelter is situated mainly on the raised seaside promenade and is within the Marine Parade and Hinterland Conservation Area. This section of Worthing's seafront is particularly important, exhibiting the original 19th century Regency form of terraced development, through grand Victorian to late twentieth and early twenty first century. The wide promenade, elegant street lamps, the decoratively detailed period seafront shelter (circ. 1920s), and the adjacent shingle beach and the sea establish the seaside character of the area and the setting for this attractive frontage. The building opposite the seafront shelter on the south-west corner of West Buildings, No.83 Marine Parade is an early nineteenth century, Regency Building (Grade II listed). Nos. 77-79 Marine Parade are also Regency Buildings (Grade II listed), whilst West Buildings (originally John Street) was also laid out in the early nineteenth century with views towards the sea, and still retains a high percentage of the original buildings, a number of which are listed.

Since the current esplanade was laid out in 1821 the main built frontage of Worthing's seafront has remained set back from the shingle shore separated by Marine Parade and the wide elevated promenade. Few buildings other than seafront shelters and small toilet blocks have been erected on the promenade and along the shoreline, the major exceptions being Worthing Pier (Grade II listed) and the Lido (Grade II listed), iconic structures specific to Worthing. Worthing's seafront is one of the town's greatest assets and the promenade is a primary route for both visitors and locals.

It is this streetscape including the above-mentioned listed buildings that form part of the special architectural and historic interest of the Marine Parade and Hinterland conservation area, contributing to its character and significance.

The existing seafront shelter has been identified and included in Worthing Borough's list of Local Interest buildings. This shelter is one of an array of such building types dotted along the promenade. It was designed to encompass a large number of pedestrian benches facing in four different directions with glazed screens which act as wind breaks, whilst allowing uninterrupted views of the sea through the building.

This transparency, together with the slim roof and canopy design, resulted in a building of little visible substance.

The previous approved application (AWDM/1303/19) followed lengthy negotiations to help mitigate the impact of a large building on the beach. Although some heritage concerns still remained causing harm to the conservation area (its location truncating the historic view southwards along West Buildings, the extent of impenetrable elevations to the east and north at ground floor level, and the proposed corporate dark coloured cladding), this harm was identified as less than substantial under the guidance set out in the NPPF. It is important to note that the range of harm covered by 'less than substantial' covers levels of harm starting from very slight, up to almost substantial.

The current application (AWDM/0941/21) moves the mass of the approved scheme slightly further east, whilst adding an additional single storey element onto the western end with an outside dining area located on its roof. The current switch from one restaurant to two separate restaurants has resulted in a greater footprint and a number of significant changes to the elevations. In order to understand the proposed changes to the scheme images showing the elevations of both schemes are set out below.

North Elevations



Approved Marine Parade (north) elevation



Proposed Marine Parade (north) elevation

The proposed elevation facing Marine Parade on the elevated promenade presents an even greater solid mass having lost the simple but elegant, floor to ceiling glazing along the western third of the two storey element together with the extended blank

façade of the new ground floor extension. The proposed historic view towards the site from West Buildings fails to engage with the street scene and exhibits little joy in any of the details. This in turn results in a greater imposition on the setting of the adjacent buildings on the other side of Marine Parade.

South Elevations



Approved sea facing (south) elevation



The proposed extended beach elevation has also suffered from a reduction in the percentage of glazing and the loss of balance in the façade, with the first floor fenestration relating poorly to the ground floor. The introduction of the horizontal transoms to the glazing is unfortunate due to a loss of simplicity and elegance, and the apparent lack of balustrading brings into question how the openings from the sliding windows system will be protected. The stick balustrades incorporated into the approved scheme and no longer proposed were a reflection of the local historic context.

East Elevations



Approved east elevation



East Elevation 02

Proposed east elevation

The view when approaching the building from the east along the promenade is also considered to result in a less elegant form of fenestration with the simple repetitive subdivision having been substituted with a more unbalanced piecemeal approach.

West Elevations



Approved west elevation



Proposed west elevation

The proposed new ground floor extension and first floor terrace are situated at the western end of the building. The use of a glass balustrade system to act as a wind break in this location is understandable, although a more elegant solution could

have been achieved by avoiding the heavier looking post and exposed clamping system, and the use of a simpler frameless system.

The Geraint John Planning covering statement letter suggests that *"Within the existing permission, the first-floor terrace had a retractable roof to the west end, which opened up the space during the summer months. It is considered that the now proposed balcony area has a reduced impact in terms of visual impact, scale, and massing, and a result of the removal of a large area of the approved glazing, and as such, should be considered a welcome amendment to the proposal."* However it should be noted that the massing of the part of the approved building that contained the first floor terrace has not altered, whilst the now proposed balcony area is part of a newly extended addition to the building which has an increased impact in terms of visual impact, scale and massing.

It is considered that the amendments to the external appearance of the development do negatively alter the relationship between the proposal and the Marine and Hinterland Conservation Area in which it is situated, as the amendments materially alter the external appearance of the building to the detriment of the approved scheme. The current scheme lacks the finesse of the approved scheme.

The NPPF (as amended) identifies three levels of harm to the significance of designated heritage assets, substantial harm, total loss, or less than substantial harm. In general terms, substantial harm is a high test, so it may not arise in many cases. In this case the harm caused is less than substantial, but is still considered to be greater than that identified in the previous approved scheme. In addition Paragraph 199 of the NPPF sets out that when considering the impact of a proposed development on the significance of a designated heritage asset such as a conservation area, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. This wording reflects the statutory duty in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

It is a pity in this instance that the applicants did not engage with Planning and Heritage Officers at WBC prior to submitting this application.

West Sussex County Council Highways

The documents appear to show that this relates to internal changes, the addition of a
balcony and decking to surround the whole building now, to accommodate more outside
dinners. Whilst this may attract more footfall to the site it's not expected to greatly increase traffic in the local area significantly. Parking is available locally and parking restrictions are in place to prevent unsafe and obstructive parking.

The Local Highway Authority does not consider that the 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 109), and that there are no transport grounds to resist the
proposal.

Technical Services

Thank you for the opportunity to comment on this application.

Due to the siting of the structure on the shingle coastal defence and south of the defence line the applicant is fully aware of the locational risk of the development and the requirement of the whole structure to be fully self-supporting and protected from shingle and water inundation from storm events from the original planning application and pre-consultation.

Condition 16 to remain relating to protection of the building against wave overtopping, shingle erosion and inundation.

Southern Water

No comments

Historic England

Do not wish to make comment

Environmental Health

No objection

Representations

2 letters of support stating:

- I believe that this development will improve the economy of Worthing especially if supported by"destination restaurants"where people will want to travel to! The design is lovely and it should be recommended for approval.
- Please proceed with this planned development. The current structure is a liability and I would be very happy to see it developed as proposed. Thanks

2 letters of objection stating:

- I'm all for the development of Worthing and bringing more to the seafront. However I disagree that this structure should be used. This building is a historic landmark on the front and needs to be saved and utilised in the same way the shelter at the east end of the pier is. We need to keep the old along with new.

- our main objection is that the Shelter is a much used facility. Last Week when we had wind and rain more than 12 people were taking cover there including invalid scooters. There is no other shelter on the promenade. During lockdown several very good pop up caterers have arrived nearby selling coffee, tea snacks etc. They have

been a godsend during social distancing and we feel their businesses will be lost, and does Worthing need yet another restaurant. Also the Shelter is at the top of a very busy T Junction which has quite a few accidents and traffic will increase with limited parking for customers and dangerous for people being dropped off or picked up from the restaurant. We also worry about noisy evenings.

Relevant Planning Policies and Guidance

Worthing Core Strategy (WBC 2011):

Policy 3 Providing for a Diverse and Sustainable Economy; Policy 5 The Visitor Economy; Policy 12 New Infrastructure; Policy 15 Flood Risk and Sustainable Water Management; Policy 16 Built Environment and Design; Policy 17 Sustainable Construction; Policy 18 Sustainable Energy; Policy 19 Sustainable Travel

Submission Draft Worthing Local Plan

DM5 Quality of the Built Environment, DM12 The Visitor Economy, DM16 Sustainable Design, DM20 Flood Risk and sustainable drainage, DM24 The Historic Environment

Worthing Seafront Investment Plan 2018

National Planning Policy Framework (CLG 2019)

Planning Practice Guidance (CLG 2014)

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 73 of the Town and Country Planning Act 1990 (as amended) provides that the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations

For LB/CA

Section 73A and also Section 72 Planning (Listed Building & Conservation Areas) Act 1990 which require the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the appearance of the Conservation Area.

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

It is considered that the main issues in the determination of the application are whether the principle of development is acceptable having regard to the planning

history of the site and the effect of the proposal upon the character and appearance of the surrounding area including the Conservation Area and listed buildings.

In terms of the principle of development, national guidance as set out in the National Planning Policy Framework (NPPF) sets out overarching objectives of the planning system, the most relevant to the application being the economic and environmental objectives.

With regard to the economic objectives, the NPPF states that the planning system should help build a strong, responsive and competitive economy amongst other matters by encouraging innovation.

The Worthing Core Strategy provides a strategic policy context for the proposal stating that:

Tourism has long been an important part of the local economy. However, Worthing is a highly seasonal and weather dependent visitor destination and according to research it is perceived as being 'outdated' with 'little to do'. It is therefore essential that the negative perceptions of Worthing are combated and that these issues are addressed in a way that helps to overcome seasonality and provides a greater and more vibrant visitor offer… The Local Development Framework will seek to ensure that opportunities are secured for new facilities and that existing facilities which support the boroughs overall tourist offer are protected and, where needed, positive improvements are achieved. The seafront and the activities along it are important visitor attractions and together with the town centre the area provides entertainment, restaurants, bars and shopping that benefit the tourist industry. However, studies have indicated that much of this offer is not achieving its full potential and requires upgrading to play an improved role in attracting more visitors to the town. It is considered that major new cultural/mixed use attractions should take advantage of Worthing's coastal location and provide quality facilities that meet current and future aspirations.

Policy 5 of the Core Strategy states: The *retention, upgrading and enhancement of existing visitor attractions and visitor accommodation to meet changing consumer demands will be supported. The Council will support suitable new tourist and leisure facilities, with a particular focus on the town centre and seafront area. The aim is to enhance the visitor offer to support the regeneration of the town and help to reduce seasonality.*

The Seafront Investment Plan, which built on the earlier Seafront Strategy that is referred to in the Core Strategy, while not specifically referring to the current proposal does mention a necessity to invest in ‘big ticket’ items.

The current Submission Draft Local Plan provides a more current context, stating in the supporting text to the Tourism policy:

At the national level prior to the Covid-19 pandemic, the tourism sector had great ambitions for growth with initial forecasts for 2020 expected to set new records in terms of visitor numbers and spend. However, the impact of the Covid 19 crisis has been felt very hard in this sector as it has elsewhere in the economy.

Draft policy DM12 states:

The Local Plan supports the provision of tourism facilities, in particular those that would help to extend the tourist season; improves the quality of the visitor economy; meet the needs of visitors and the local community and are acceptable in environmental and amenity terms.

The principle of developing a restaurant on the seafront is therefore considered acceptable as evidenced by the previous permission which was granted in October 2019. Given the timing of that permission which was not implemented soon afterwards, it is not surprising that the onset of the pandemic in March 2020 not only delayed any likelihood of any implementation, but also resulted in a change in circumstances of the previous proposed occupiers, Bistrot Pierre, and a consequent change to the occupancy of the building where 2 separate occupiers are now proposed having pre-let the building.

There is no reason why the proposed change in occupation should alter the acceptability of the principle of development, indeed the pandemic can only result in greater support being given to businesses who wish to locate and provide economic activity in the town.

Notwithstanding the above though, the statutory planning framework has not altered and it remains that the application site is within the Conservation Area and close to a number of listed buildings. The existence of heritage assets close to the application site requires that they are taken into account in the decision making process, although as was the case with the previous applications, Historic England have not considered that this is a scheme they need to provide comments upon.

The effect upon the surrounding heritage assets was considered in some detail in the consideration of the previous scheme with officers and the committee concluding that the development would cause ‘less than substantial harm’ to surrounding designated heritage assets. It is considered that this was the correct conclusion with the proposal assessed against paragraph 196 of the National Planning Policy Framework which states:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The siting of the building across the road and beyond the promenade from the surrounding heritage assets were considered to facilitate a replacement building being constructed without detriment to the surrounding area, and it was felt that, having regard to national guidance, there was no policy reason to object to the provision of a replacement building of a larger footprint. The previous committee report previously identified the main issues as being of *scale, specifically height, and design.*

Dealing with the scale of the building first, the previous committee report concluded that the considerations were *finely balanced* given that the setting on the beach side

is framed by the Pier and the Lido and there was little precedent for the nature of the building previously proposed therefore.

It was concluded, though, that as the scale of the buildings opposite is much greater, for the most part being 4 storeys in height, but the nearby Travelodge appearing even higher that the scale of the building in terms of its height could be justified, particularly given that the building would be set back further from the road than the existing shelter. The height of the building now proposed is little different to that previously approved and accordingly it is not considered that there is an objection to that part of the proposal.

The key issue is whether the revised design is acceptable given the prominent location of the building in the Conservation Area and its relationship with heritage assets and remaining issue is therefore design, which is of even greater importance than was the case under the previous application because of the increased size of the building. Members will have noted that both the Worthing Society and the Conservation Architect have expressed concern regarding the design of the building. The previous committee report noted concern had been expressed regarding the use of dark materials on part of the building which does not reflect the much lighter character of nearby buildings.

It was previously accepted, in principle, that the use of darker materials would provide a contemporary contrast to some of the white rendered buildings in the vicinity. Nonetheless, the previous committee report stated:

Your officers are concerned, therefore, at the expanse of dark grey/black metal cladding on the northern elevation in particular. It is considered that this elevation could be broken up more successfully while still providing a contemporary feel for the building. There is an element of glazing in the northern section, most particularly at its western end, but far less so at the eastern end, just comprising effectively a single bay. The glazing at the northern and southern elevations of the proposed building means that the metal cladding is far more subservient and this is also pretty much achieved on the southern elevation of the building.

Having regard to the above comments, it is somewhat surprising that the current application, which as the Conservation Architect attests was submitted without any pre-application contact with the planning department, seeks a larger building with a significant loss of glazing within the northern elevation, which combined with darker materials provides a heavy blank elevation facing the attractive buildings to the north. There seems no obvious reason why additional glazing could not be incorporated into this elevation which would far reduce the impact of the larger building upon the character of the surrounding area. On the single storey element of the elevation, a simple set back would create a shadow line which would also soften the elevation (the previous scheme appeared to have a far more easily defined roof and overhang).

To the southern elevation, the previous scheme provided some quite simple clean lines of glazing lining up between ground and first floor. This is demonstrably not the case with the proposed southern elevation on this occasion and again there seems

no obvious reason why such an approach cannot be followed again. Similar comments could be applied to both the eastern and western elevations.

The siting of the building remains as previously approved and as the nearest residential building is about 35 metres from the front of the proposed building, the Council's overlooking standard is well exceeded. In view of the previous permission, there is no reason to resist the proposal on any loss of privacy.

As previously, in respect of parking, the site is close to existing car parks as well as other modes of travel to the town centre. In the absence of any objection from the Highways Authority it would appear unlikely that any objection could be sustained on this basis therefore. Remaining matters, such as noise, flood evacuation and the effect of the structure on the beach, can be controlled by imposing the same conditions as were imposed upon the previous permission.

In conclusion, it is not considered that the proposed building can be granted as currently submitted. Given that the policies of the Core Strategy allied to the strategic objectives of the Seafront Strategy and Seafront Investment Plan are quite clear in the need to look for opportunities to bring new investment in order to provide an improved visitor offer to the town and that the proposal would bring new investment to the town, this is not a conclusion your officers arrive at lightly. Nonetheless, the Council still has a duty to assess the harm to surrounding heritage assets as a result of any proposal and it does seem quite clear that such harm would be greater than was previously the case under the permitted application. Your Officers do feel, though, that there is no reason why the concerns could not be adequately addressed by the submission of amended plans that addressed the above concerns and accordingly it is recommended that the application should be delegated for approval to the Head of Planning and Development, in consultation with the Chair, subject to the receipt of satisfactory amended plans.