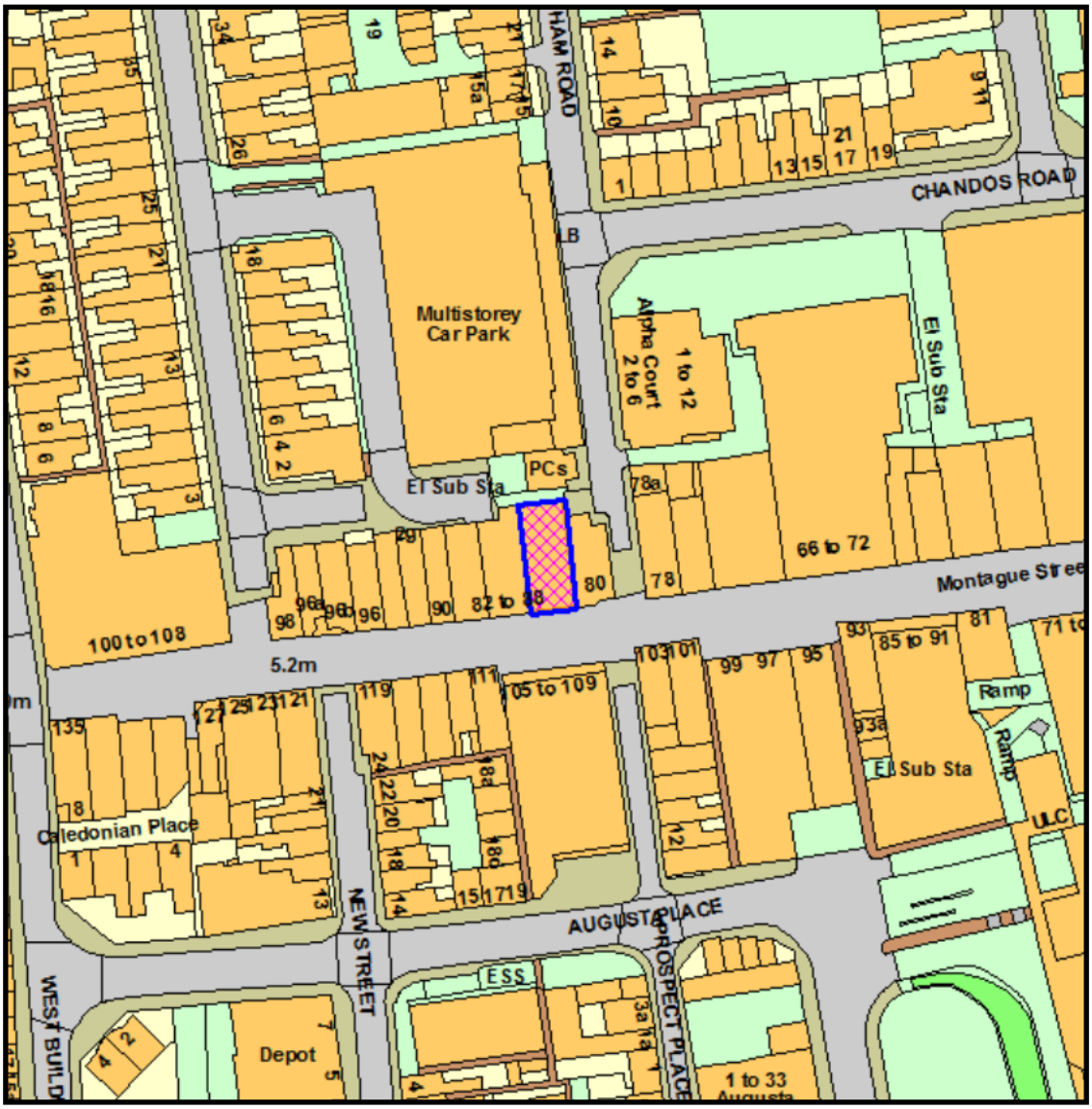
Application Number:	**AWDM/0371/25**	**Recommendation - APPROVAL**
Site:	**82 - 84 Montague Street Worthing**	
Proposal:	**Change of use from retail (Class E) to an Arcade incorporating Bingo (Sui Generis)**	
Applicant:	Mr Wilson, Slots Trading Ltd	Ward: Central
Agent:	Mr Alistair Anderson, Brown&Co JHWalter	
Case Officer:	Jacqueline Fox	



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Introduction

Cllr Cox has requested that the application be brought before committee regarding policy concerns.

Site and Surroundings

The application site comprises a two storey building on the north side of Montague Street where it is pedestrianised. It has a modern, glazed shopfront with a render finish to the building. The first floor front elevation has 2 sash windows.

The site is within the town centre, secondary shopping frontage and the Montague Street Conservation Area

Proposal

The application proposes the change of use of the vacant ground floor of 82-84 Montague Street, from Retail (Class E) to an Arcade incorporating Bingo (Sui Generis)
which is a specialised venue of gaming machines licensed under the Gambling Commission

Arcades/Bingo Premises are amusement centres which consist of gaming machines for the entertainment and leisure of adult customers.

The bingo is played on hand-held tablets rather than fixed fruit machine style terminals, a variety of bingo games are played at set times throughout the day and link nationally with other venues across the country.

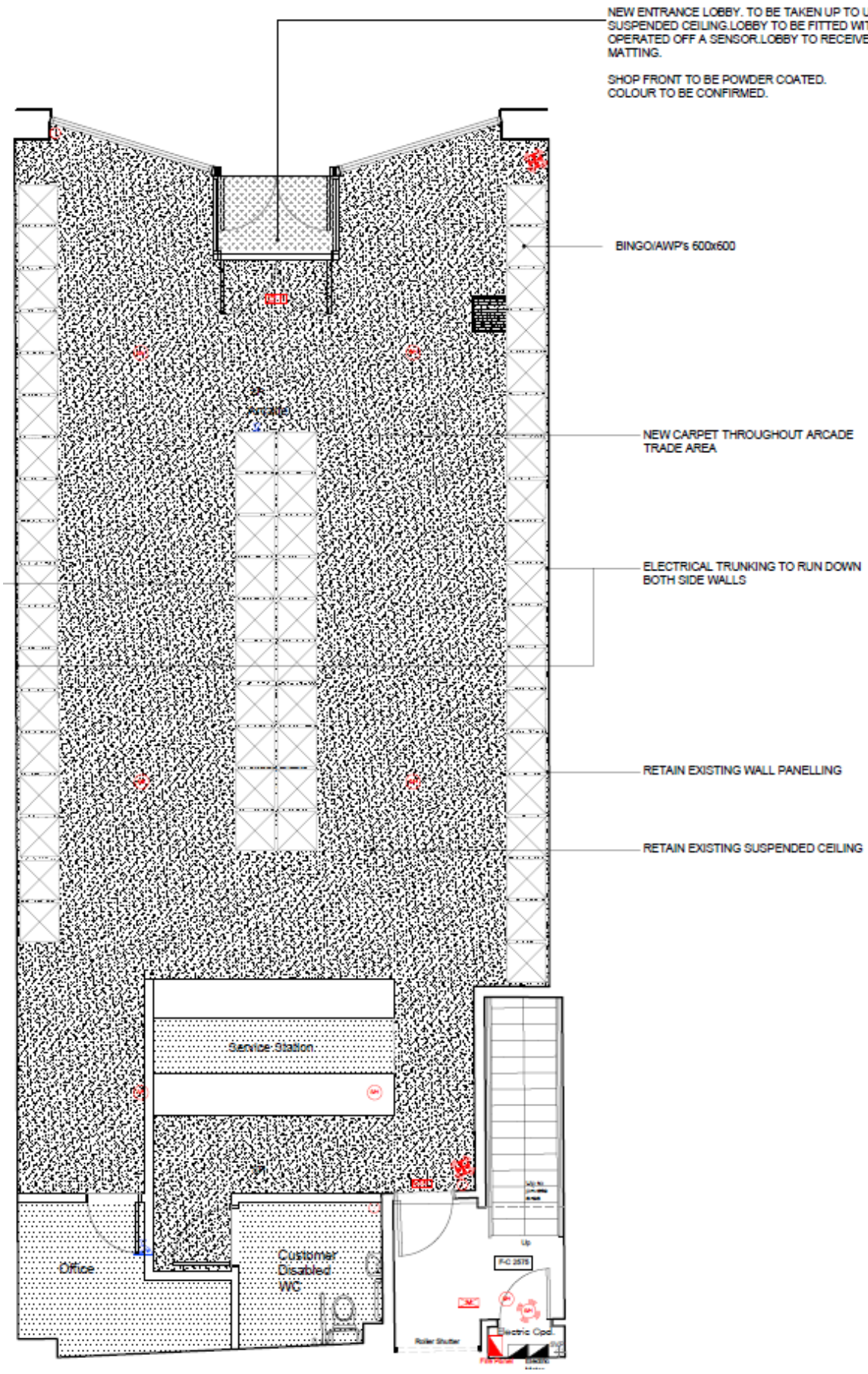
This is a modern departure from the old style bingo hall with a caller, with a system allowing for the venue to run the bingo silently if required. Bingo can be played both solo and in groups when making use of the tables provided, however they often average 4-6 customers in the venue during the day and fewer in the evenings so playing in groups is a less frequent occurrence.

The floorplan on the following page shows the proposed layout

The application originally applied for 24-hour opening which the applicant indicates is generally the normalised opening hours for these premises. The reasons for this are:

- The use is low in adverse amenity - they are generally quiet uses and a place for quiet leisure, rather than stereotypical 'amusements' which have loud inconsistent music and sounds omitting from the machines. Music, if any, is kept to a low-level for ambiance, rather than being obtrusive.

- Our client says that a proportion of their clientele are local restaurant and bar owners who would wish to use the premises after their shift or leisure and


NEW ENTRANCE LOBBY. TO BE TAKEN UP TO UNDERSIDE OF SUSPENDED CEILING.LOBBY TO BE FITTED WITH ELECTRIC DOORS OPERATED OFF A SENSOR.LOBBY TO RECEIVE NEW ENTRANCE MATTING.
SHOP FRONT TO BE POWDER COATED. COLOUR TO BE CONFIRMED.
BINGO/AWP's 600x600
NEW CARPET THROUGHOUT ARCADE TRADE AREA
ELECTRICAL TRUNKING TO RUN DOWN BOTH SIDE WALLS
RETAIN EXISTING WALL PANELLING
RETAIN EXISTING SUSPENDED CEILING
Arcade
Service Station
Office
Customer Disabled WC
Up
F-C 2679
Electric Cpd
Roller Shutter

- Relaxation. An 11pm closure would prevent this element of nighttime use with the premises closing at the same time as their closing times.

- There are bars within the town centre that have opening hours beyond midnight, so longer opening hours are not uncommon.

- There is not a plethora of 24-hour uses in the immediate vicinity so there is no accumulative over-concentration of 24-hour uses.

- The 24-hour opening prevents a condensed amount of people arriving and leaving at the same time - this has been something discussed at Appeal elsewhere.

Relevant Planning History

None relevant

Consultations

West Sussex County Council:

No vehicular access is associated with this site, whilst pedestrian access will remain as existing. The proposed change of use is not anticipated to give rise to a material intensification of movements to or from the site.

Vehicular parking would have to be accommodated on-street or within nearby paid for provision, as per the existing arrangement. Considering the proposals are not anticipated to materially intensify movements to the site, the proposals are not anticipated to adversely impact highway safety or parking capacity in the nearby vicinity. The site is situated in a highly sustainable location that is well accessible on foot, by cycle or by 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.

Adur & Worthing Councils:

The ***Environmental Health*** officer

My main concern is customer noise as customers make their way to and from the premises. Montague Street is a pedestrian precinct, there is no traffic and we have seen over the years more and more residential living accommodation is being located above the shops in this area to meet the housing needs of our residents. The acoustic reports that have been submitted with the planning applications for these conversions have demonstrated that the background noise levels in this locality fall below 30dB in the early

hours of the morning. Therefore we can see it is a quiet area once the local businesses have closed and their customers have gone home.

Therefore to protect the current amenity of occupants of these flats, I would not want to see customers being attracted to the area beyond the current night time economy's closing time in this area. This is because we have no way of knowing what level of new custom the premises will attract nor do we have any way of controlling customer behaviour when they are off the premises, even normal conversation as people walk along the precinct will be audible in bedrooms if windows are open. It should be noted that our brains continually assess sounds whilst we are asleep and if a sound is deemed a threat then it will cause awakening. Most people will sleep through anonymous sounds such as distant traffic, but conversation, even at a relatively low noise levels will cause awakening as we perceive this as a threat.

Unfortunately, there is no practical way of quantifying this through noise measurement, mainly because customer numbers, their location and how they behave will be variable. Therefore the most practicable way of preventing any adverse impact from the proposed development is to control the operating hours.

I see that the applicant is trying to demonstrate that noise is not an issue at his other premises and I have been contacted by PC James Williams, a Kent County Police Licensing Officer. I have not spoken to PC Williams because Licensing considers public nuisance and for public nuisance to exist the disruption has to be quite severe. Someone walking down the precinct having a conversation in the early hours of the morning would not constitute a public nuisance. Whereas the standards in planning are to protect amenity and if somebody has a home in the town centre and is accustomed to having commercial premises around them closed by a certain time, then any disruption beyond these hours is going to impact their amenity.

Permitting 24 hour openings 7 days a week in this part of town will set a precedent and will completely change the character of this mixed commercial residential area. I am of the view that we need to balance the needs for business with residential amenity and having considered the hours of nearby licensed premises, I would suggest a 2am closing time would be a fair compromise at weekends e.g. Friday night Saturday morning and Saturday night Sunday morning, with a 11pm finish all other nights.

The Councils Drainage Consultants 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 could consider creating an emergency plan to ensure safe access and egress routes can be achieved.

Representations

The Worthing Society

“In the 1880’s Montague Street emerged as an important commercial and retailing street with a lively character which it retains today. Pedestrianisation in 1968 from the centre of town to Crescent Road has enhanced its lively bustling character and reputation as a shopping street”.

We consider the proposed introduction of an Arcade to be unacceptable. It would dilute the retail character of Montague Street, which is an important element of the conservation area, and would not be in keeping with the ‘setting’ of the proximate listed building. We also concur with the objector who raises concerns about the effect of introducing a gambling facility where there are vulnerable members of the community.

In summary and for the reasons stated the Society objects to this application

Other responses (1no.)

I am writing to formally object to the above planning application for the change of use from a retail unit to a gambling arcade incorporating bingo at 82-84 Montague Street, Worthing. This location lies within the heart of Worthing's primary shopping area, and I believe this proposal poses a number of serious risks to the wellbeing, character, and sustainability of our town centre. My objections are outlined below:

1. UNDERMINING THE RETAIL CHARACTER OF MONTAGUE STREET Montague Street serves as a key retail hub, integral to the town's economy and its attractiveness to both locals and visitors. Introducing a gambling use at this central location risks undermining the retail-led vibrancy of the area, potentially discouraging future investment and leading to a gradual decline in the variety and quality of businesses present.

2. NEGATIVE IMPACT ON VULNERABLE INDIVIDUALSThe introduction of a gambling facility-particularly one so prominently located-may increase the risk of gambling-related harm among vulnerable groups. These include individuals with mental health conditions, those experiencing financial hardship, and young people. The planned venue is also in close proximity to organisations that work with such vulnerable groups, including the YMCA in Shelley Rd, the CAMHS Acre day hospital in Wordsworth Rd, the homeless charities Turning Tides, and the Worthing Homeless Project in Byron Rd. Locating such a venue in a family-oriented shopping street exposes more residents to potential harm.
3. CONFLICT WITH LOCAL PLANNING POLICY Worthing Borough Council's planning policies are clear in seeking to:- Protect Class E uses in key shopping areas;- Promote town centre vitality and pedestrian activity;- Encourage sustainable economic growth. This application does not support those aims and instead risks reducing the diversity and continuity of retail offerings at street level.

4. DETRIMENT TO COMMUNITY WELLBEING AND REGENERATION Permitting this change would work against ongoing efforts to regenerate and enhance Worthing's town centre. Gambling establishments do not typically support community cohesion or cultural

vitality and may detract from the safe, inclusive atmosphere that Worthing strives to promote.

5. POTENTIAL FOR ANTISOCIAL BEHAVIOUR AND ASSOCIATED HARMS Gambling premises can be linked to increased antisocial behaviour, littering, loitering, and crime. This could impact other nearby businesses and reduce the sense of safety in the area.

6. RISK OF SETTING A PRECEDENT Approving this application could open the door to further similar changes, resulting in a cluster of non-retail, high-risk uses that shift the town centre's identity away from a balanced, community-serving space. In conclusion, I urge the planning department to consider the long-term interests of the community and reject this application. Worthing deserves a vibrant, diverse, and welcoming town centre - not one dominated by uses that can bring harm to its most vulnerable residents.

Relevant Planning Policies and Guidance

Worthing Local Plan 2020-2036: DM5, DM10, DM12, DM13, DM15, DM22, DM24
National Planning Policy Framework (MHCLG 2024)
National Planning Practice Guidance

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

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 covers both the primary and secondary shopping areas, with a wider range of uses in secondary than in primary. It, 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".

As stated in the explanatory text to Policy DM13 in the Local Plan, (para 5.185), the site is within the South Street/Montague Street/Grafton Site Town Centre Character Area which has the following role and function:

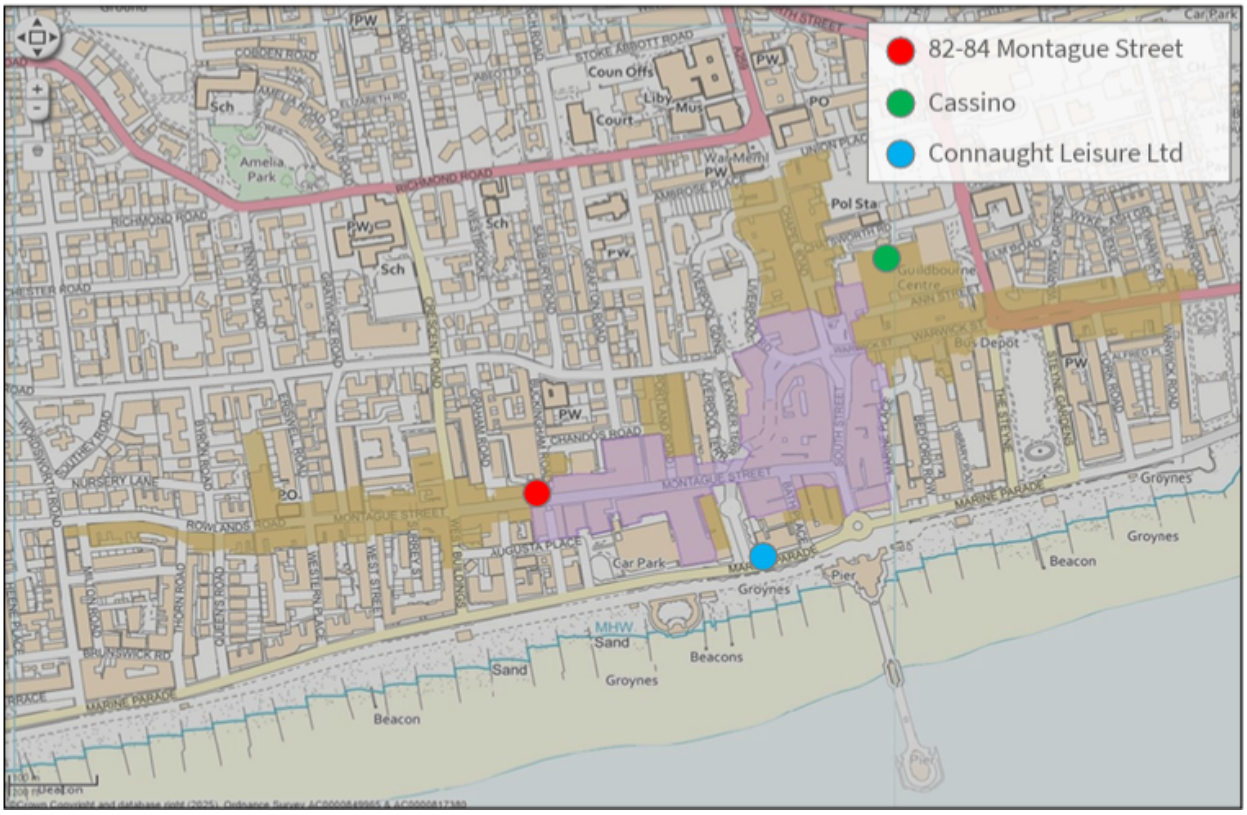
'South Street / Montague Street / Grafton Site: Aspirational high end retailing, food and beverage, and commercial leisure quarter anchored by a leisure / entertainment 'destination'. Strong links between 'Commercial Heart' and Seafront, and located within the Primary Shopping Area.'

The principle of evening and nighttime 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.

The site has previously been used for retail but as a town centre location there are a range of uses surrounding the site and within the vicinity including shops, bars, restaurants and takeaways which tend to have later night hours of operation and add to the diversity of entertainment and experiences in the Town Centre. The site is within a well used vibrant part of town.

The application for an arcade (incorporating bingo) is a specialised venue of gaming machines licensed under the gambling commission. The applicant has indicated that Bingo arcades are considered a different use to the traditional amusement arcade or an adult gaming centre in its gaming offering.

Worthing Town Centre currently has 2 operational 'Gaming Centres', which are shown in the map below: the casino in the Guildbourne Centre which is an adult only centre and Connaught Leisure Ltd on 32-34 Marine Parade for family and adult entertainment. There is not therefore a high concentration of such uses within the Town Centre, although it is noted that the existing arcades are more centrally located where residential uses are quite limited .



Whilst it is accepted that the proliferation of 'gaming centres' can potentially detract from the vibrancy and attractiveness of town centres, the proposed use would potentially be one of three such gambling centres in Worthing Town Centre and it provides for a different model of entertainment to the casino and family entertainment use in Marine Parade. It is not therefore considered that it would have a negative impact on the town centre's vitality.

The applicants originally requested a 24 operation of the facility as set out in the supporting text above, however through discussion with the Environmental Health Officer have conceded that 24 opening is not the norm within Worthing Town Centre.

The Environmental Health Officer (EHO) accepts that the applicants have demonstrated that the background noise levels in this locality fall below 30dB in the early hours of the morning and therefore it is a quiet area once the local businesses have closed and their customers have gone home. It is therefore important to protect the current amenity of occupants of nearby flats. Permitting 24 hour openings 7 days a week in this part of town will set a precedent and will completely change the character of this mixed commercial residential area. In order to balance the needs for business with residential amenity and considering the hours of nearby licensed premises, the EHO has been suggested that a 2am closing time would be a compromise at weekends e.g. Friday night Saturday morning and Saturday night Sunday morning, with a 11pm finish all other nights.

Officers recognise that there is little existing commercial / entertainment activity in this vicinity after midnight and that whilst a 2am weekend approval may avoid the risk of activity and disturbance in the quietest times of night, it is at the margin of the nighttime

economy hours. A planning condition controlling these hours is included at the end of this report based on the Environmental Health suggestion but it is open to the Committee to decide upon this timing.

In summary, with the range of uses in the town centre, including other entertainment premises and night-time uses, the proposed use can be supported in principle under Policy DM13. This is subject to conditions to control opening hours and requiring a suitable window display and control over the use of security shutters to avoid the risk of dead-frontage. As such it could add to the vitality and viability of the town centre contributing to the daytime and vibrant evening economy, it would bring a vacant unit back into use and employ 7-8 full time jobs.

Visual amenity and the effect on the character and appearance of the area

The application does not involve any external alterations to be carried out. There would be no significant harm to the visual amenities of the site or surrounding conservation area. As mentioned, a condition regarding the frontage display windows would be included.

The property lies within the conservation area with a listed property attached to its eastern side. The property is vacant and has been marketed for 10 months. The proposal would bring the property back into use, visually and commercially supporting the aims of local policy and the NPPF and the applicant is willing to work with the Local Authority to improve the frontage. However currently it does not involve any alterations to the building and as such would not have an impact on the adjoining listed buildings.

Residential Amenity

There would be no changes to the overall floorspace, and the use is only for the ground floor. The Environmental Health Officers comments are set out above and discussed as part of the principle of the scheme, they have raised no objections subject to hours of opening.

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 can be put in place, the proposal is considered acceptable in this town centre location..

Health and Community

Paragraph 96 of the NPPF states that decisions should aim to achieve healthy, inclusive, and safe places. Paragraph 96(b) states that decisions should aim to achieve places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Comments from interested parties indicate that the use would have an impact on vulnerable individuals, community cohesion and antisocial behaviour.

It is understood that the use could lead to concerns regarding its proposed use and extended hours. The use is a day and night time activity, in a town centre location where

there are a number of uses including late night activities. The use is licensed by the gambling commission who will put their own controls in place outside of planning legislation. As indicated above there is not a proliferation of these uses and the use can be controlled in terms of hours of use.

The applicants have indicated here are comprehensive rules and policies in association with the use including company T&C's, Gambling Commission protocols, Customer Interaction policies and Anti-Money Laundering policies.

Is it advised by the applicant that concerns in relation to vulnerable individuals, community cohesion and antisocial behaviour will also be dealt with via the Premise License Application which will go to the Licensing team - this process will include a Local Area Risk Assessment including interaction with Help Centres. The Licensing from the Local Authority and Gambling Commission is thorough and puts all the measures and policies in place. This position is being checked with the Council's licensing team and an update will be given Furthermore no alcohol is proposed as part of the offering of this application.

The provision of uses associated with gambling are not uncommon on high streets. and it is understood that there may be concerns from sectors of society which consider such uses inappropriate, but this may also be the case with other uses found in a town centre location more generally. Although understandable as set out above, providing there are controls in place by the Local Authority licensing, Gambling Commission and hours of opening this should lessen risks of impact on quality of life or community cohesion.

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.

Flood Risk

The site is within Flood Zone 1, In accordance with Table 3: Flood Risk Vulnerability and Flood Zone 'Compatibility' within the NPPG, less vulnerable sites in Flood Zone 1 are considered as appropriate development. The council's drainage consultants WSP have recommended an informative to consider creating an emergency plan to ensure safe access and egress routes can be achieved.

Sustainability

The site is within a highly sustainable location and would not involve any external alterations to the building.

Recommendation

Approve subject to the following conditions

1. Drawing Numbers

2. Time (3 years to implement permission)

3. No customer trade or business shall take place on the premises except between the hours of 07:00am and 11.00pm on Sunday to Thursday and 07:00am and 2.00am on Friday and Saturday and the premises shall be closed for business outside these hours..

4. Details of the display windows at the site frontage, including arrangements for their periodic updating and refreshing, shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the use hereby approved, and shall be fully and permanently adhered to for the duration of the use. No security shutters shall be included without the prior written approval of the Local Planning Authority.

Informatives

1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2) We have identified the site is adjacent to a high surface water flood risk, therefore the applicant could consider creating an emergency plan to ensure safe access and egress routes can be achieved.