Expiry Date - 30/07/2025
Extension of Time - 04/09/2025

Development Management – Delegated Officer Report

Application Number: AWDM/0417/25 **Recommendation: – APPROVE**

Site: 332 Goring Road Worthing West Sussex BN12 4PE

Proposal: Proposed change of use from Class E to Sui Generis (drinking establishment, eatery and deli) with outside seating area

Date of Site Visit: 18/06/2025

Neighbours Checked: Y

Additional Neighbours Notified: N

Site and Surroundings:

The site is located to the north side of Goring Road and within 'The Mulberry' Medium Scale Local Centre. The property sits within a row of shops including a pharmacy, café, opticians, barbers, takeaways and laundrette. The wider area is a mix of commercial and residential uses with residential flats and houses to the north of the site.

The property comprises a two storey building with brick elevations and a parapet to the frontage with pitched roof behind. The building extends to the rear with single storey additions and a roof extension. The ground floor was previously occupied as commercial premises for a security company under Class E. The upper floor contains a private flat that is independent of the commercial premises.

The property is not within a conservation area, is not a listed building and there are no protected trees on site.

Proposal

Planning permission is sought for change of use from Class E to *Sui generis* to form a drinking establishment, eatery and deli with outdoor seating area.

The building is currently vacant but was previously occupied by Banham security as a shop and offices, including stock rooms and toilets towards the rear of the building. The proposed use as a drinking establishment, eatery and deli would reconfigure the existing floorspace to form a deli, eatery and shop to the front with customer seating, a micro bar with customer seating in the middle of the building and a kitchen, cellar and store room towards the rear.

The toilets would remain in the same position as existing and be increased from two to four cubicles, comprising 3 urinals, 1 WC and 2 wash hand basins for males and 2 WC and 2 wash hand basins for females.

The area outside, to the front of the building would be used for customer seating for the consumption of food and drink.

The deli, bar and kitchen will supply predominantly local Sussex made goods and produce, working with local suppliers and farms. A retail element would be retained selling local goods and produce. Both hot and cold food will be provided for consumption on the premises within the eatery, bar areas and outside seating and predominantly cold food will be available to eat in or take away from the deli.

Ventilation/extractors will be installed in the kitchen and store room with an extract louvre placed on the wall outside on the west side and a supply louvre fitted on the wall to the rear of the building. Full details including assessment of the ventilation/extraction proposed are provided within the Plant Noise Assessment.

The proposed openings hours are:

Monday: 11 am – 8 pm
Tuesday – Saturday: 11 am – 11 pm
Sunday 11 am – 8 pm

The earlier openings times may change subject to demand.

Between 14 and 18 staff members will be employed including part time and full time.

Maximum capacity for outdoor seating will be 24 people accommodated on 3 x 4 seater tables and 2 x 6 seater tables.

The eatery and deli will provide seating for 24 people accommodated on 3 x 2 seater tables and 4 x 4 seater tables.

The bar area would have a total of 54 people accommodated on bench seating of 6 x 4 seater tables with a maximum capacity of 24 people, tables in the centre of the room with a maximum capacity of 20 people and standing at the bar with a maximum capacity of 10 people.

The total capacity for external and internal customers is a maximum of 102 persons.

The proposal includes the provision of live music on a twice weekly basis, on evenings during the week or weekend and Sunday afternoons. Any live music sessions will cease at 10pm during the evening and 7pm on Sundays. The music will be a range of individual or duo acoustic and band performances all using a PA.

Deliveries to the site will be to the rear of the property via the store room with access to the rear. All deliveries will be between the hours of 8am and 6pm.

Waste and Recycling bins are provided to the rear of the property beneath a plastic corrugated roof structure.

The application is supported by a Planning Statement, Fire Statement, Plant Noise Assessment and Sound Insulation Pre-Test and Advice Report.

Relevant Planning History:

None relevant

Consultations

Planning Applications Highways - *This application seeks the change of use from Class E to Sui Generis to provide a drinking establishment, eatery and deli with outside seating area. The site is located on Goring Road, an A-classified road subject to a speed restriction of 30 mph.*

No vehicular access is associated with this site. The proposed change of use is not anticipated to give rise to a material intensification of movements to or from the site. No vehicular parking is proposed – As such, parking would have to be accommodated on-street or within nearby paid-for provision, as per the likely existing arrangement. The LHA would not anticipate that this would give rise to highway safety concern or parking capacity issue in this location. Servicing would be to the rear of the site as per the existing arrangement for the Class E use.

Weight is given to the fact the site is situated in a sustainable location within walking distance of public transport links and is accessible on foot or by cycle.

A portion of the land proposed to be used as outdoor eating appears as though it could overlap with the Publicly Maintained Highway as exact dimensions have not been provided. Any items placed within the public highway are not to be permanently fixed and are to be removable. This is to permit the maintenance of the public highway and to ensure that a permanent obstruction does not result. If Planning Consent is approved, a separate Licence agreement will be required to be entered into, please refer to guidance at https://www.adur-worthing.gov.uk/aboards-tables-chairs/ for more information.

The applicant is advised to obtain the exact location of the Publicly Maintained Highway from the WSCC Highway Boundary team if they are not looking to place tables and chairs on the publicly maintained highway, please contact land.charges@westsussex.gov.uk and include a plan of the proposed search area. There is usually a fee for this information. Additional information can be found at https://www.westsussex.gov.uk/roads-and-travel/information-for-developers/highway-boundary-information/

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.

Environmental Health:

EH comments - 24/06/25 - *There are no EH objections in principle but we will need more detail on the type and regularity of live music that will be performed at the premises and we will need to ensure that the sound insulation between the new business and the first floor flat is sufficient to prevent a nuisance. We normally recommend airborne sound insulation between commercial and residential of DnT,w*

+ Ctr = 50dB, to control customer noise and to allow for low level recorded background music. However, because of the proposed live music this will need to be assessed and I would request an acoustic report is provided.

If fans are placed in the ceiling between the business and the flat above then noise from these will need to be assessed and this should be included in the acoustic report. The abatement equipment proposed for the ventilation system is sufficient for the type of food they are proposing to prepare.

Opening hours will need to be clarified, as after 11pm we are into the night time period and noise control becomes more important, to protect sleep. If the customers vacate the premises by 11pm and the extra half hour is for staff to cash up and tidy then this will be ok, but will need to be clarified in any permission.

Officer response – The submission of an Acoustic report was requested to cover the extraction/ventilation and sound insulation details to protect the residents above. Clarification on opening hours was sought from the agent who confirmed: *We intend for all patrons to have left the building by 11pm*. Further information was also provided in relation to live music: *We intend to have live music weekly and intend to use weekday evenings or weekend evenings, and the Sunday afternoon for music on a weekly basis. The session will cease at 10pm weekdays and weekends, & 7pm Sundays. We do not want to stipulate a day because we may have an occasional event which needs live music outside the days I specify. I can therefore confirm two days of live music, this including a Sunday. The music will be a range of individual or duo acoustic and band performances all using a PA.* Confirmation was also provided in terms of the flat: *The flat above the building is not above the area designated for a kitchen. The flat is at the front of the building above where the deli will be. No fans from the kitchen will disrupt the residents of the flat. I will ask for this to be noted in the report.*

A Plant Noise Assessment was submitted on 29/07/25 and sent to EH for further comment:

EH comments - 31/07/25
The report covers the kitchen extract and this is ok. But there is no mention of the sound insulation between the new business and the existing flat above or whether the insulation is sufficient to manage noise from entertainment that will be regularly held at the premises. Details of sound insulation are still required, as previously specified.

Officer Response: A further request was sent to the agent for a detailed report to include sound insulation and consideration of live music (as previously advised).

A Sound insulation Pre-Test and Advice Report was submitted on 26/08/25 and sent to EH for further comment:

EH comments - 02/09/25
The acoustic scheme looks quite robust, if implemented properly I would have no objections to this application going ahead with this scheme implemented and with post completion testing so that we know the final sound insulation achieved. If we know this

the licence conditions can be tweaked to set noise limits, if music noise becomes an issue.
Suggested condition:
Before the use hereby permitted commences, the sound insulation scheme, outlined in the Acoustic South East report, Project Reference J4075 dated the 22nd August 2025 shall be implemented, and following Implementation of this acoustic scheme, a sound insulation test shall be carried out and the test results submitted to the local planning authority.

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

Officer response: The property is existing, no new foul/surface water drainage disposal is proposed.

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.*

Neighbour Representations

None received

Relevant Planning Policies:

Worthing Local Plan policies (WBC 2023): SP1, DM5, DM13
National Planning Policy Framework (MHCLG 2024)
National Planning Practice Guidance

Planning Assessment:

Principle

The principle of change of use is acceptable where it will not harm the vitality or viability of the local centre or cause harm to residential amenity. The key considerations are the effects on the visual and residential amenities of the locality and the vitality and viability of the local centre.

Policy Context

The unit is located within 'The Mulberry' Medium Scale Local Centre. The preamble to Policy DM13 of the Worthing Local Plan states:

5.190 The focus for Medium Scale Local Centres is to retain retail use but greater flexibility and support is given to other uses that can support the role and function of the centres and where they will enhance the vitality and viability, generates footfall and retains a shopfront display.

5.194 Applicable to all Centres - Applications for uses such as drinking or takeaway establishments and other uses with closed and inactive street frontages will need to be carefully considered, taking into account the specific frontage policy and taking into consideration: any negative cumulative impact of such uses; whether such uses add to the vitality and viability of the centre; and the impact on residential amenity. Where appropriate, advice and evidence will be sought from Environmental Health, Licensing, Planning Enforcement and the Police.

Policy DM13 - a) The Local Plan will support the vitality and viability of Worthing's town centres by seeking to meet the identified floorspace needs for retail and other town centre uses up to 2026.

b) Changes of use and redevelopments within town, district and local centres will be carefully controlled to ensure that they support, rather than detract from, the successful functioning of the centres and their ability to meet local needs, according to their function in the hierarchy. When considering all such proposals regard will be had as to whether they would:

i) Make a positive contribution to the vitality, viability and diversity of the centre;

ii) Not unacceptably impact on daytime footfall;

iii) Maintain a strong role for the centre in providing a varied range of Worthing Town Centre convenience goods and meeting other day-to-day needs;

iv) Positively restore and/or enhance the character and appearance of the frontage;

v) Maintain the continuity of active frontages;

vi) Be of a scale and type of use appropriate to the size and function of the centre, or part of the centre concerned;

vii) Ensure that any proposal will cause no significant adverse effects for the occupiers of neighbouring properties;

viii) Ensure that that there will be no severe negative impact on existing parking arrangements;

ix) Retain or re-provides ancillary facilities within individual premises, (such as loading, storage, staff or administrative facilities), unless it is demonstrated that the centre retains its role as a sub-regional shopping centre and that these are no longer necessary for appropriate future use of the premises;

x) Result in an over concentration of uses such as takeaways and other uses with closed and inactive street frontages. The Council will consider the role of the centre within which the proposal is located and other matters such as the numbers of existing similar uses within the frontage and any existing or potential issues. Permission will not be granted where harm to the vitality and viability of

the centre, or the amenity of local residents and businesses, cannot be adequately mitigated; and

xi) Require conditions to be applied to any new development where it is relevant and appropriate to do so, in order to control the proposed and allow for change of use in line with the Council's aspirations and strategies for the area.

District Centres and Local Centres

e) The policy approach seeks to encourage convenient and accessible local shopping facilities that are of a scale appropriate to the role and function of the centre to meet day to day needs of residents, and contribute to social inclusion. When considering relevant proposals within these centres regard will be had to the following:

i) in District and Medium Scale Local Centres - seek to retain a core of retail uses of at least 50% of the units in the whole centre, to ensure the role and function of the level of centre is maintained. Allow for uses such as financial and service and restaurant and cafes of an appropriate scale for the role and function of the centre. Other uses will be supported where it can be demonstrated that the use will enhance the vitality and viability of the centre in which it is proposed, generates footfall and retains an active shopfront with a shopfront display;

iii) in all District and Local Centres drinking establishments and takeaways uses will be considered on their merit, taking into consideration any negative cumulative impact of such uses on the centre, whether such uses add to the vitality and viability of the centre and the impact on residential amenity.

Vitality/Viability

The unit is located in a parade of shops and services that form part of The Mulberry Medium Scale Local Centre. The parade within which the application property sits includes a pharmacy, café, opticians, barbers, travel agent, takeaways and laundrette.

There is a wide variety of shops and services within the centre as a whole including fitness centre, post office, furniture store, vets, pet store, cafes, restaurant/bar, takeaways, funeral directors, newsagent, supermarkets, estate agents, etc. At the time of the site visit the application property was the only vacant unit in the parade.

The previous use of this unit was as a shop and offices for a security company. The proposed change of use would retain a retail element with the deli and shop to the front of the unit, selling local goods and produce. This part of the business would also retain an active shop front with goods for sale on display.

The mixed use proposed that includes a shop/deli, eatery and drinking establishment would complement existing shops and services in the local centre, providing additional choice for the local community and encouraging visitors to the town, retaining custom within the Worthing area. The proposal is considered to make a positive contribution to the vitality and long term viability of the area, helping to contribute to the local economy of Worthing. The provision of this facility would increase footfall to the area

during the day and evening, thereby increasing the vitality and viability of the local shopping centre.

The proposal is considered appropriate for this Medium Scale Local Centre, complies with the requirements of policy DM13 of the Worthing Local Plan and would not harm or diminish the vitality or viability of the town centre.

Visual Amenity

The only external alterations to this property proposed by this application are the addition of two louvres towards the rear of the property. These would not be visible from the front and would have no adverse impact on the visual amenities of the locality.

The proposed use would enhance the street scene by bringing a vacant shop front back in to use and retaining an active shop front.

Residential Amenity

The area has a mixed character of commercial and residential uses with residential flats above commercial properties at ground floor. The most affected neighbours are those in the flat above the premises, the flats above neighbouring properties and the block of residential flats situated approximately 13m from the rear of the building (forming the store room for the business).

A Sound Insulation Report was submitted to demonstrate that the premises could be adequately insulated to the recommended standard of DnT,w + Ctr = 50dB to prevent noise transference between the proposed business and the flat above. The report includes consideration of live music.

The report details various upgrades recommended for the building including but not limited to, an upgraded acoustic ceiling system, removal of an existing unused and unconnected extractor unit and infill with concrete, repairs to any gaps in mortar/grout, install a new suspended plasterboard ceiling system using independent ceiling joists, to support 2 layers of 15mm Soundbloc plasterboard and 150mm of dense mineral fibre, install 150 – 200mm thickness of mineral fibre between the new ceiling joists, with no recessed lighting or ventilation within the ceiling.

The report concludes that *'If the construction methods within this report are adopted, it is considered that the sound insulation will achieve results that satisfy the requirements of Approved Document E and also exceed it sufficiently for achieving a result of at least DnTw + Ctr = 50dB.'*

Environmental Health have advised that there would be no objections to the application going ahead with this scheme implemented subject to a condition requiring post completion testing to ensure that the final sound insulation level is achieved. A condition to secure implementation of the approved sound insulation scheme and post installation testing to confirm the values have been met will be imposed to ensure that the occupiers of the flat above are protected from noise from the proposed use.

A Plant Noise Assessment was also submitted with the application in relation to the proposed supply and extract fan serving the commercial kitchen for the premises.

The report concludes that *'Noise levels from the proposed plant are predicted to comply with the Local Authority criteria. It is recommended that planning permission is not refused on noise grounds'.*

The kitchen and store room are located at the rear of the building (closest to the flats to the rear) with the customer use contained within the middle and front parts of the building. The proposed use is therefore not considered to have any significant detrimental impact from noise on the occupiers of these flats or result in an unacceptable level of noise and disturbance for neighbours in the vicinity.

The other aspect of the proposal that has potential to generate additional noise is the use of the outdoor seating area, as proposed to the front of the building. It is recommended that the use of the outdoor seating area is restricted to 10pm Tuesday to Saturday and 7pm Sunday to Monday.

Live music as proposed, is also a potential noise source, however the proposed sound insulation together with a restriction on the provision of live music to twice weekly and for music to cease by 10pm Tuesday to Saturday and 7pm Sunday to Monday, should protect residents from this becoming a nuisance.

To further protect residential amenity, conditions to prevent collections or disposal of waste or recycling and deliveries in association with the proposed use, taking place before 8am or after 6pm shall be imposed.

The application is considered to propose adequate measures to mitigate potential impacts from noise and disturbance through the implementation of a sound insulation scheme, a noise management plan and a restriction on opening hours, deliveries, refuse and recycling collection, use of the outdoor seating and live music. These matters can be controlled by condition and are considered appropriate and proportionate in relation to the proposed use.

A balance is required between encouraging a new business venture that would occupy a currently vacant unit and safeguarding amenity. Subject to the above controls, it is considered that the proposed use could take place without giving rise to unacceptable detriment to the amenities of neighbouring residential or business occupiers.

Parking

WSCC Highways have confirmed that the proposed use is not anticipated to give rise to a material intensification of movements to or from the site and although there is no associated parking for the proposed development, the site is in a sustainable location, within walking distance of public transport links and is accessible on foot or by cycle.

Parking would have to be accommodated on-street or within nearby paid-for provision, as per the existing arrangement and would not give rise to highway safety concern or parking capacity issue in this location. There are no highways grounds to resist the application.

Recommendation:

APPROVE subject to the condition:-

1. Drawing Numbers
2. Standard time limit
3. Sound Insulation scheme to be implemented
4. Noise Management Plan to be submitted
5. Opening Hours
6. Outdoor seating use cease at 10pm Tue – Sat, 7pm Sun, Mon, BH
7. Live music twice weekly and to cease at 10pm Tue – Sat, 7pm Sun, Mon, BH
8. Deliveries, collection, bottle recycling, refuse only between 8am – 6pm
9. Active shop front maintained

Informative

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. A portion of the land proposed to be used as outdoor seating appears as though it could overlap with the Publicly Maintained Highway as exact dimensions have not been provided. Any items placed within the public highway are not to be permanently fixed and are to be removable. This is to permit the maintenance of the public highway and to ensure that a permanent obstruction does not result. A separate Licence agreement will be required to be entered into, please refer to guidance at https://www.adur-worthing.gov.uk/aboards-tables-chairs/ for more information.

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

Case Officer: Amanda Haslett Date: 04/09/25

Authorised by: Peter Barnett Date: 4 September 2025