Expiry Date - 13/06/2024

Development Control – Delegated Officer Report

Application Number: AWDM/0505/24 **Recommendation – APPROVE**

Site: **Shop 17 New Broadway Worthing West Sussex**

Proposal: **Change of use from Class E to Sui Generis. (Tattoo Studio.)**

Date of site visit: 10/05/24

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The site is located to the north side of New Broadway, adjacent to the railway line to the rear and within the Tarring Road Medium Scale Local Centre. The property comprises a two storey, flat roof building at the end of a block of terraces which continues to the east and west, consisting of shops and businesses with residential flats above. The property has brick to the upper elevations and a shopfront at ground floor. The property is currently vacant but was previously occupied as an Office under Class E.

The building is within an area of mixed use consisting of commercial and business uses at ground floor, some with residential flats above and some with offices above.

The property is not a listed building and it is not within a conservation area.

Proposal

Planning permission is sought for a change of use of the ground floor unit from Class E - Office to a Tattoo Studio (sui generis).

The ground floor would be converted to a tattoo studio by installing seating, 2 x tattoo beds, storage and screens. There are no physical alterations to the interior layout or to the exterior of the property proposed by this application.

The studio will be open between 10am and 6pm Monday to Saturday, although will be closed most Mondays. The business is to be run by appointment only.

Two self-employed tattooists will co-own the shop and there may be potential for a third part time member at a later stage.

The relevant licence has already been obtained from Environmental Health in terms of Health & Safety.

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Relevant Planning History:

NOTICE/0003/16 - Application for permitted development for prior approval for change of use from Use Class A1 (shop) to Use Class C3 (dwelling) including external alterations (ground floor only) – Refused – dismissed at Appeal

Consultations:

***Environmental Health* - T**here are no adverse EH comments for this application.

Senior Health & Safety Officer – Advised that applicant will need to register to provide any skin-piercing treatments, to ensure that basic health and safety standards are maintained in any premises where these activities are carried out.

Private Sector Housing – No objection

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.

WSCC Highways - This application seeks the change of use from Class E to Sui Generis to provide a Tattoo Studio. The site is located on New Broadway, 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.

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

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 115), and that there are no transport grounds to resist the proposal.

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

Network Rail - Network Rail have no comments to make.

Sussex Police - The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive, and safe 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 – for example through the use of attractive, well-designed, clear, and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas.

The level of crime and anti-social behaviour in Worthing district is above average when compared with the rest of Sussex, so additional measures to mitigate against any identified local crime trends and site-specific requirements should always be considered.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments.

From a crime prevention perspective - to protect the premises out of hours thought should be given to the siting of an intruder alarm. Information has been provided, should CCTV be a consideration. Consideration should be given to property marking all equipment contained within the premises.

The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

Representations:

None received

Relevant Planning Policies

Worthing Local Plan policies (WBC 2023): SP1, DM5, DM13
National Planning Policy Framework (DLUHC 2023)
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 Tarring Road Medium Scale Local Centre. The preamble to Policy DM13 of the Worthing Local Plan states:

5.191 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.

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;*

Vitality/Viability

The unit is located within the Tarring Road Medium Scale Local Centre which extends to the east, west and south of the site. There is a wide variety of shops and services within the centre as a whole including retail, cafes, restaurant/bar, takeaways, dance studio, financial services, supermarket, bike store, clinics, print studio, car rental, estate agents, taxi rank, launderette, etc. as well as several vacant units. The application property is currently vacant but was previously occupied as an office for an events/hire company and prior to that as a retail shop.

The change of use to a tattoo studio would result in the loss of a retail unit however, given the presence of other vacant premises within the centre, the change of use of one unit would not preclude use for retail purposes elsewhere within the Tarring Road Centre. The proposed use as a tattoo studio is a daytime use and would be unlikely to reduce footfall in the area in comparison to the lapsed use and may encourage new visitors to the local centre as many tattooists have a loyal customer base who will follow a particular artist. The proposal would complement existing shops and services, providing additional choice for the local community and encouraging visitors to the town. The proposal is considered to make a positive contribution to the vitality and long term viability of the area and would not harm the character of the local shopping centre.

No external changes are proposed in association with this application and the access will remain as existing to the front of the building with large shopfront

windows. By the very nature of the use as a tattoo studio, the design and display of artwork will be key to the window display ensuring the retention of an active, vibrant shop front.

The unit is within walking distance of the Town centre and would not harm or diminish the vitality or viability of the town centre.

The proposal would be consistent with the aims of policy DM13.

Visual Amenity

No external alterations are proposed by this application and there would be no harm to the visual amenities of the locality. The proposed use would contribute to the diversity of shops and services on offer in this local centre and would not detract from the character of the area.

Residential Amenity

The surrounding area has a mixed character of commercial and residential uses with residential flats above commercial properties at ground floor. The closest residential units to the property are the occupants of the flat above and at the flats above the adjacent properties.

Use of the unit as a tattoo studio would not generate any excessive noise or disturbance to the flat above or adjacent properties and would not result in harm to residential amenity.

The unit would not be open at unsociable hours and would not adversely affect local residents.

Accessibility and Parking

Although there is no associated parking for the proposed development, the site is in a very sustainable location, close to West Worthing train station and in close proximity to bus routes and 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. The lack of provision of car parking in connection with this use and in this location is therefore considered acceptable and there are no highways grounds to resist the application.

Other matters

The recommendations from Sussex Police with regard to crime prevention have been copied to the applicant. The suggested measures should be implemented by the applicant to increase the security of the property.

Recommendation

Expiry Date - 13/06/2024

APPROVE subject to Conditions:-

1. Drawing Numbers
2. Standard time limit
3. Active shop front
4. Opening hours

Informative

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

Case Officer: Amanda Haslett Date: 12/06/24

Authorised by: Jo Morin Date: 12.06.2024