Expiry Date – 07/11/2025

Development Control – Delegated Officer Report

Application Number: AWDM/1050/25 **Recommendation – APPROVE**

Site: Shop 27 Marine Parade Worthing West Sussex BN11 3PT

Proposal: Change of use from tattoo studio (sui generis) to cafe/smoothie bar (Use Class E)

Site Visit: Google street view checked

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The site is located on the northern side of Marine Parade. The application relates to the ground floor unit which is currently in use as a tattoo studio. The upper floors of the building are in use as residential. The building is set back into the site with space for two cars to park.

The site is in Worthing Town Centre in the Town Centre Seafront Area.

The site is also in South St Conservation Area.

Proposal

The proposal is to change the use of the ground floor unit from a tattoo studio to a smoothie shop (Use Class E).

The application form states:

The café will operate without full cooking facilities or external extraction: all food will be pre-prepared off-site or pre-packaged; drinks prepared on-site (coffee machine non-vented). No external alterations, new shopfront, or external flue are proposed.

Relevant Planning History:

AWDM/0496/17: Change of use from A1 to Sui Generis (Tattoo and Body Piercing Studio). Permitted 31/05/2017

Consultations:

WSCC (as LHA):

This application is for the change of use of tattoo studio (Sui Generis) to café/smoothie bar (Use Class E). The site is located on Marine Parade, a C-classified road subject to a speed limit of 30mph in this location. The existing use currently utilises the site frontage as a single parking space, however, it does not appear that there is a formal vehicular crossover in place. The proposed use would see the site frontage utilised as seating for the café/smoothie bar use, with no onsite parking. Given the site location, it is likely that all existing customers arrive on site via foot and the proposal would not alter that existing arrangement. Given the loss of the existing parking area, the proposal would see staff members also arriving on foot. The site is sustainably located within the centre of Worthing town, within proximity to a variety of other shops and services, with a bus stop directly outside. Given the above, it is not anticipated that this proposal would result in a highway safety or capacity concern.

Conclusion 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 and Worthing Councils

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 has a high flood risk; therefore, the applicant should consider creating a Flood Risk Emergency Plan in case of the event of a tidal or surface water flood. The Flood Risk Emergency Plan should be created in line with 'Flood risk emergency plans for new development' as produced by ADEPT and the EA

Environmental health: 1. The number of covers/seats shown on the plan is 26. The plan only indicates the provision of one toilet. Where the number of seats is over 24 an additional toilet is required. see our standards on toilet provision: https://www.adur-worthing.gov.uk/environmental-health/public-health/#toilets chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.adurworthing.gov.uk/media/Media,171644,smxx.pdf 2. One of the two toilets should be an accessible toilet as this will be a new business

Environmental health officer:

There are no EH objections in principle, however the planning use could include licensable activity and there appears to be residential property above.

I would therefore recommend that the sound insulation for the premises be added to any permission.
• The use hereby permitted shall not commence unless and until an insulation scheme for protecting the upper floor residential unit from noise has been

submitted to and approved by the local planning authority. The scheme shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB) for all floors. Following approval and implementation of the scheme, a test shall be undertaken. All works, which form part of the approved scheme, shall be completed before the use commences.

I would also recommend a no primary cooking condition.

I would recommend a background music only condition. Only unobtrusive recorded background music shall be provided in the premises within the approved hours of operation. For this purpose the music noise level shall not exceed 75dB (LAeq 1 min) measured 1m from any speaker.

Finally, I would recommend an hours of use condition with a 11pm closing time, unless they do not want to do the sound insulation scheme in which case I would recommend no amplified or live music on the premises and I would bring the hours of use back to 8pm close.

Officer's response: Conditions will be added as requested in lieu of the sound insulation the hours of use on the application form 7am – 7pm will be conditioned and the use restricted to Eb. Any other change will require planning permission

Representations:
None received

Relevant Planning Policies

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

Planning Assessment

Principle

The site is located within Worthing town centre. 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 Seafront Area. Policy SS3 (Town Centre) states:

e. Ensure that the Town Centre and seafront are one integrated and linked destination. Active and vibrant uses along the key Town Centre seafront area will be supported

The preamble for Policy DM13 states:

Within the Town Centre Central Seafront Area the evidence recognises the importance of this area to both the wider town centre aspirations for an active vibrant seafront and to ensure that the seafront and town centre are one integrated and linked destination. The policy approach seeks to resist the loss and encourage the introduction of those uses that support the Council's wider aspirations such as: retail, drinking and eating establishments, and appropriate cultural and leisure uses. Uses with closed and inactive street frontages that can detract from the vibrancy of the seafront area and undermine the local aspirations for this important area of the town will be resisted.

The policy text states:

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.

The principle of eating and drinking 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. The loss of the tattoo studio is acceptable subject to the proposed use being acceptable. The smoothie bar can be supported in principle as it would add to the vitality and viability of the town centre maintaining an active frontage.

Visual amenity
No external alterations are proposed other than to provide seating within the forecourt. The removal of parking and provision of seating would improve the setting of the conservation area.

Details of signage haven't been submitted and the applicant is advised that advertisement consent would be required for any signage.

Residential Amenity

The unit is an existing commercial unit below residential units. Conditions requiring the unit to operate in accordance with the details submitted will be included to protect residential amenity. These will include restricting the hours of operation to between 07:00 to 19:00pm Mondays to Sundays asset out on the application form, music will also be restricted to background noise. A condition will also restrict the use to Eb only as changes within Use Class E would have the potential to impact residential amenity in the future.

The proposal does not include any primary cooking facilities. The applicant has advised all food will be prepared or packaged off site. A condition ensuring no primary cooking will be attached to ensure any future facilities can be adequately considered.

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. One car park will be lost as part of the proposal. 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.

Flooding

The applicant has filled in the EA's minor extension form. It notes that the ground floor is raised 1 metre above ground level. It is noted that the proposal does not result in a more vulnerable class. The WSP informative for a flood evacuation plan has been included

Other

Attention was drawn to the requirement for toilet provision given the number of covers. An informative is including highlighting that covers shall be restricted to 24 so that an additional toilet is not required.

Recommendation

Approve subject to the following conditions

1. Drawing Numbers
2. Time limit
3. Opening hours
4. Use class Eb only
5. No primary cooking
6. Background music only

Informatives:

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

WSP – Flood evacuation plan
No more than 24 covers

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

Case Officer: Louise Prew Date: 04/11/2025

Authorised by: Jo Morin Date: 04.11.2025