Worthing
BOROUGH COUNCIL

Portland House
Richmond Road
Worthing BN11 1LF

APPLICATION NO. WB/08/0851/FULL

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT PROCEDURE ORDER 1995

Rapleys LLP
For The Attn. Of Mr Robert Clarke
51 Great Marlborough Street
LONDON
W1F 7JT

PROPOSAL:	Change of use of the ground floor from office accommodation to retail (A1) or retail (A1), with restaurants/cafes (A3) and/or hot food takeaway (A5). Refurbishment and alterations to external elevations including new shop fronts incorporating separate entrances, including to the first floor office use.
LOCATION :	Equinity, The Causeway Worthing
DATE REGISTERED	14th August 2008
APPLICANT :	Cantium (Durrington) Limited & PAVF Second Nominees 10 Limited

WORTHING BOROUGH COUNCIL, under the above Act and Order, gives you notice that its decision upon your application described above and in plans RHPC; 08014 PO01; 08014 PO10-A; 08014 PO11;08014 PO12-D; 08014 PO13-A; 08014 20; 08014 PO21; 08014 PO22-C; 08014 PO23-A which accompanied the application, or as subsequently amended prior to consideration and supporting documentation, is to

GRANT PERMISSION subject to the following conditions:-

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

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

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[redacted]

Dated : 25th June 2010

Executive Head of Planning,
Regeneration and Wellbeing

Note: Your attention is drawn to the notes and advice overleaf.

2. No more than 180 square metres floorspace as shown on the approved drawing 08014 / PO12-D shall be used for A3 or A5 uses (restaurant/cafe or hot food take away as defined in the Town and Country Planning :Uses Classes Order 1987 as Amended Town and Country Planning Act 1990 As Amended).

   Reason: To protect the amenity of neighbouring dwellings and to limit harmful competition with the Strand Neighbourhood Centre in accordance with Saved Worthing Local Plan policy H18 and RES7 and PPS4: Planning for Sustainable Economic Growth.

3. The A1 (retail) premises shall not be open for trade or business except between the hours of 6am and 8pm Mondays to Saturdays and 8am to 4pm on Sundays or on Bank or Public Holidays and the A3 (restaurant/café) and A5 (hot food take away) shall not be open for trade or business except between the hours of 6am and 11pm Mondays to Saturdays and 8am to 10.30pm on Sundays or on Bank or Public Holidays. No waste, bottles or other goods or equipment shall be removed from the building and placed outside in connection with the A3 or A5 use beyond 11. 30pm Mondays to Saturdays and 11pm on Sundays or on Bank or Public Holidays. No loading or unloading of vehicles on the site as outlined in red in the approved site plan shall take place outside of the aforementioned trading hours unless agreed in writing in advance by the Local Planning Authority.

   Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Saved Local Plan Policies H18 and RES7.

4. The A3 or A5 uses hereby permitted shall not be occupied unless and until a means of ventilation for the extraction and disposal of cooking odours has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

   Reason: To safeguard the amenities of the occupiers of nearby residential properties in accordance with Saved Local Plan Policies H18 and RES7.

5. If, during development, any visible contaminated or odorous material, (for example asbestos containing material, stained soil, petrol/diesel/solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until it has been investigated by the developer. The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented.

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Reason: Because the site lies on a major aquifer and within a Source Protection Zone 3, the risks to Controlled Waters and human health from any contamination at the site must be fully investigated and understood, these sources may not be identified until demolition and construction works are undertaken. This is to conform to South East Plan Policies NRM1 and NRM2 and Saved Worthing Local Plan Policy RES7.

6. The development hereby permitted shall not commence unless and until a schedule and samples of materials and finishes to be used for the external walls and roof of the proposed building as proposed to be altered have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be completed fully in accordance with the agreed materials.

Reason: In the interests of visual amenity in accordance with Saved Worthing Local Plan policy BE1.

7. No use, hereby approved, shall be commenced unless and until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Local Planning Authority or Highway Authority and shall be updated, amended and implemented in accordance with the approval of the Local Planning Authority and honoured and implemented by all successor occupiers.

Reason: To minimise reliance on and the environmental impact of the motor car in accordance with Planning Policy Statement 1: Delivering Sustainable Development and Climate Change Supplement; PPG13:Transport; PPS4: Planning for Sustainable Economic Growth and South East Plan Policies T5; CC1; CC2 and CC3.

INFORMATIVES

1. Reasons for Approval

a.) The decision to grant planning permission has been taken having regard to the Development Plan as set out below:-

Saved Worthing Local Plan Policies 2003

BE1 - Design Quality
H18 - Amenity of Residents
RES7 - Control of Polluting Development
TR9 - Parking Requirements for Development

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South East Plan 2009

CC2 - Climate Change
CC3 - Resource Use
CC4 - Sustainable Design and Construction
CC6 - Sustainable Communities and Character of the Environment
CC7 - Infrastructure and Implementation
NRM1 - Sustainable Water Resources and Groundwater Quality
NRM2 - Water Quality
NRM4 - Sustainable Flood Risk Management
NRM10 - Noise
RE3 - Employment of Land Provision
SCT1 - Core Strategy
SCT4 - Employment Priority in New Land Allocations
SP3 - Urban Focus and Urban Renaissance
SP4 - Regeneration and Social Inclusion
T2 - Mobility Management
T4 - Parking
T5 - Travel Plans and Advice
TC1 - Strategic Network of Town Centres

and to all relevant material considerations, including:-

- National Policy Government Policy in Planning Policy Statement 1: Delivering Sustainable Development: PPS4: Planning for Sustainable Economic Growth and PPG13: Transport;
- The observations of the Inspector on the dismissed ASDA appeal (PJPP/113835/AJ05/1196226) at Worthing Sixth Form College (August 2006).
- The emerging Core Strategy in the Local Development Framework and allied Knight Frank Economic Research Report; Employment Land Review; Coastal Districts Retail Study and the appraisal prepared by Strategic Perspectives for the Council in respect of the applicant's emerging retail impact assessment and PPS6 health-checks undertaken by the Council in 2005.
- and all representations and consultation responses received including those made by Field Place Area Residents Association; The Co-op Group; and Martin Macoll Ltd.

b). In reaching its decision the Council concluded that the proposal entails the loss of substantial offices, including a former bank branch, in an established and important office location. However, the premises themselves are outmoded and in a poor condition with very limited prospects of attracting an office user in the current market. Retail use of the ground floor of the premises would provide a positive economic use of the building and upgrade the local environment and so would also improve the likelihood of the upper floor of the premises being re-occupied, and, more, importantly, the re-letting of the adjacent tower for offices, with all the attendant regeneration benefits.

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The impact of the retail use on the Strand Neighbourhood centre is predicted to be quite modest and generally complementary, especially as the main store is restricted by legal agreement to a discount food retailer with allied limitations on types of sales. If retail use helps act as a catalyst to bring about the positive use of the upper floor and adjacent tower this will generate more trade for the centre to help its continued vitality. Though outside the designated centre and significantly larger than other units in the centre, the premises formerly incorporated a bank branch and a retail use would integrate comfortably with the centre. It is materially different from the recent unsuccessful ASDA scheme in terms of size, location and relationship to the Strand Centre and nature of the retail use.

The site is in a sustainable location and well served by parking and would generate less traffic than an office use and a travel plan is required by Condition. The external works are limited but would lift the building's appearance. No unacceptable impacts on local neighbour amenity should arise, given the established commercial character of the area and predicted traffic levels and the imposition of the Conditions imposed controlling trading hours, ventilation extraction systems and deliveries and scale of A3/A5 use. Potential drainage and contamination issues are addressed by appropriate Conditions imposed. As such, and subject to the legal agreement and conditions imposed, the proposal is acceptable. Whilst the proposal was advertised as a Departure from the Development Plan, no referral to the Secretary of State is required under the new Regulations.

This information is only intended as a summary of the reasons for grant of planning permission. For further details on the decision please see the application report which is available from the Planning Reception at Portland House, Richmond Road, Worthing.

2. Unilateral undertaking

The permission is the subject of a unilateral undertaking which covenants the developers/owners to restrict the retail use to a discount food retailer and precludes certain types of merchandising of goods at the premises and requires the adjacent Tower building to be marketed for business use, with a commitment to refurbish the tower following the first letting of the majority of the space.