Expiry Date - 12/02/2025

Development Control – Delegated Officer Report

Application Number: AWDM/1504/24 Recommendation – APPROVE

Site: Cafe 8 - 9 Montague Place Worthing West Sussex

Proposal: Retrospective change of use from cafe (use class E) to a licensed entertainment venue (Sui generis).

Site Visit: 03.12.24

Neighbours checked: Y

Additional neighbour notifications:

Site and Surroundings

The application site relates to a four-storey building located on the west side of Montague Place within the town centre. The ground and first floors have previously been in use as a restaurant with ancillary storage in the basement. The upper floors comprise of two residential flats. Adjoining to the south is a café at No. 10 which has outdoor seating on the adjacent footway and there are flats to the upper floors. No. 10 is a Grade II listed building and there are also other listed buildings within the terrace continuing to the south at No's 11 to 14. No. 7 attached to the north side is occupied by 'Subway' which has a two-storey shopfront and café seating to the adjacent footway. The site is within the South Street Conservation Area.

Proposal

The current application is retrospective to change the use from a restaurant (use class E) to a licensed entertainment venue (Sui generis)

The site operates as an entertainment venue offering a private, soundproofed karaoke room, 2 pool tables, 3 smart darts oche's, numerous retro gaming machines and a console gaming room with PlayStation 5's and Xbox Series X's. The venue offers refreshment of both soft and alcoholic beverages and also small plate food.

The ground floor comprises a bar area, with kitchen and servery, washrooms and store. The soundproof karaoke room is also at the back of the ground floor. At first floor are the pool tables, darts and gaming area. There are also female and male toilets.

Relevant Planning History:

AWDM/0596/23- Change of Use from Bank (Use class A2) to restaurant (Use class A3). Application to Vary Condition Number: 10 of previously approved AWDM/1630/19: No customer trade or business shall take place on the

premises except between the hours of 07:00am and 20.00pm on any day. Amendment: to be able to be open between 07.00am to 11.00pm Sunday to Wednesday and between 07.00am to 12.00am Thursday to Saturday. AWDM/1630/19 - Change of Use from Bank (Use class A2) to restaurant (Use class A3).APPROVED

AWDM/1920/19 - Change of use of pavement to outside seating are for 20 covers. APPROVED

AWDM/1587/20 - Advertisement consent for proposed 2 no. internally illuminated projecting signs, 1no. internally illuminated fascia sign, 1 no. internally illuminated menu box and 1 no. awning with company branding. **STATUS:** APP 8th December 2020.

AWDM/0014/21 - Change of use of pavement to outside seating area for 36 covers (10 tables). (Amendment to previously approved AWDM/1920/19). **STATUS:** APP 1st March 2021.

Consultations:

WSCC Highways

No vehicular access or parking is associated with this site – however, the LHA acknowledge the highly sustainable site location within Worthing Town centre, that is well accessible on foot, by cycle or by public transport. There are a number of public car parks within walking distance for those travelling by private car, and there are comprehensive parking restrictions nearby prohibiting vehicles from parking in places on-street that would be detrimental to highway safety.

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

Southern Water

No objection

The **Sussex Police** Designing out Crime Officer

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.

I note the following two statements as indicated within the accompanying application form:

This is a retrospective planning application. We received the keys on the 9/8/2024 and work started on the 12/8/2024. We didn't apply for a change of use at the time as we felt we were operating within the parameters of the use class E. We have since been advised by the council that we would in fact fall under Sui Generis hence this application. Work was carried out between the 12/8/24 and the 1/11/2024, we have been open since the 2/11/2024.
The site operates as an entertainment venue offering a private, soundproofed karaoke room, 2 pool tables, 3 smart darts oche's, numerous retro gaming machines and a console gaming room with PlayStation 5's and Xbox Series X's. The venue offers refreshment of both soft and alcoholic beverages and also small plate food.

The applicant and their partners are strongly advised to consult directly with the licensing team at Sussex Police with regards to these proposed changes. The Sussex Police Licensing Team may have some of their own requirements to be implemented into the premises before they are satisfied it meets licensing objectives on the day-to-day operation of the premises which is why it is extremely important that the applicant contacts them as soon as is practicable.

The application form does not indicate opening and closing times and given the change of use a large degree of sensitivity will be required by the applicant to ensure the amenity of those residing above and the surrounding local community is not unduly disturbed. It will therefore be a matter for the applicant to ensure that this is managed in the most appropriate manner. I would also ask that reasonable hours of opening are made a condition of planning.

I would also strongly advise the applicant to discuss this retrospective planning application with the fire service.

From a crime prevention perspective to protect the premises out of hours - consideration should be given to the siting of a fit for purpose intruder alarm. Consideration should also be given to the siting of CCTV.

The following documents will be of assistance to the applicant:

Drainage Consultant 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 should consider creating an emergency plan to ensure safe access and egress routes can be achieved.
Reason
To prevent flooding in accordance with National Planning Policy Framework paragraphs 165-175 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage, and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

Adur and Worthing Councils

Environmental health (PH) There are no EH objections to this application subject to the existing conditions for hours of use and music noise levels being applied to this proposed new use

Representations:

One letter of representation has been received from the occupiers of flat 1 8/9 Montague objecting to the application and raising concerns of noise and disturbance. Specific concerns relate to noise and disturbance at night when they are open to midnight including banging, loud noise and general hubbub.

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 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 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.

The site is within the South Street/Montague Street/Grafton Site Town Centre Character Area which has the following role and function identified in the local plan:

• *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 a previous permission for restaurant use with opening hours until 12.00am on Thursdays to Sundays. A number of controls and conditions were put in place as part of the extended hours application for this site under AWDM/0596/23 including sound insulation and the installation and maintenance of ventilation equipment. There are also conditions relation to hours of use and music and noise levels. The current applicant has confirmed that the sound insulation was carried out and tested and that ventilation equipment was insulated and has not been altered since their occupation and use. It is considered that these conditions and controls can be carried forward for the current scheme. The current use can therefore be supported in principle and would add to the vitality and viability of the town centre where it would contribute towards supporting a vibrant evening economy, subject to consideration of the effects of the proposal on the character and appearance of the area, the effects on the living conditions for existing and future occupiers, and highway and parking considerations.

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

Other than changes to the signage no external alterations have been carried out. There would be no significant harm to the visual amenities of the site or surrounding conservation area.

Residential Amenity

There would be no changes to the overall floorspace than that approved as restaurant. The sui generis activities including karaoke, pool, darts and gaming is likely to create greater activity than a restaurant where customers are likely to dwell for greater periods of time and the gaming is generally on the first floor. The Environmental Health Officer has however not raised any objections to this application subject to the existing conditions for hours of use and music noise levels being applied to this proposed new use.

The hours of operation are between 07:00 to 11:00pm Sunday to Wednesday and 07:00 to 12.00am Thursday to Saturday. The existing condition requires all customers to leave within 30 minutes and all staff activity to cease within 1 hour.

The comments raised in the representations are noted. In respect of noise transfer within the building the previous application in relation to condition 4 of

AWDM/1630/19 were satisfied, meaning that the building has been insulated to a satisfactory level. It is understood that an additional ceiling was constructed at first floor level with an acoustic quilt installed in the void.

The Environmental Health Officer has requested conditions in relation to the existing approved hours and controls in place to limit noise levels from background music, a condition previously use in relation to AWDM/1630/19 conditions relating to noise and vibration from extract/ventilation equipment and delivery times can as previously are considered appropriate.

The Designing-out Crime Officer has advised that the applicants consult with the licencing team at Sussex Police and the fire service and that an appropriate hours of opening condition be put on the application. From a crime perspective consideration should be given to intruder alarms and CCTV.

The application has indicated hours the same as the previous proposal and that sound insulation and ventilation equipment installed as part of AWDM/0596/23 is still in situ and retained and in use where appropriate and conditions can be applied to limit noise levels, noise and vibration from extraction/ventilation equipment and delivery times as previously. With similar controls and hours as the previous application for restaurant use on the site of a previous night time use, it is not considered that the proposals would result in an over concentration of night time uses.

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 have previously and can be put in place which are considered sufficient to adequately protect residential amenity, the proposal is considered acceptable in this town centre location.

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.

Recommendation

Approve subject to the following conditions

1. Drawing Numbers
2. No customer trade or business shall take place on the premises except between the hours of 07:00am and 11.00pm on Sunday to Wednesday and 07:00am and 12.00am on Thursday to Saturday.

   The premises shall be emptied of customers 30 minutes outside of these hours.

All staff activity associated with the use shall cease at the premises within one hour of the closing time.

3. Use to be carried out in accordance with approved Sound insulation/Acoustic Report

4. Kitchen extract/ventilation equipment to be maintained in accordance with manufacturer's instructions

5. The extract/ventilation plant and equipment shall be installed and maintained in accordance with the Plant Noise Assessment reference 10186.RP01.PNA.0 dated 29 April 2020 including the recommended attenuator specification and mountings to control noise and vibration.

6. Deliveries/servicing shall not take place except between 07.30 and 20:00 on any day.

7. Plant and equipment hours limited to hours of operation.

8. Music noise levels limited

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

In accordance with the FRA

Sussex police comments

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

Case Officer: Jackie Fox Date: 19.02.25

Authorised by: Jo Morin Date: 19.02.2025