



WORTHING BOROUGH
C O U N C I L

Planning Committee
24th March 2021

Agenda Item 6

Ward: ALL

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

Application Number: **AWDM/2132/20**

Recommendation – Approve

Site: **85-87 Montague Street, Worthing**

Proposal: **Change of use from Class E to flexible change of use (part) to mixed use to comprise use class E (Commercial, Business, Service) and F1 (learning and non-residential institutions) with F2 (Local community).**

2

Application Number: **AWDM/0279/21**

Recommendation – Approve

Site: **Car Park Adjacent Sea Lane Cafe, Marine Crescent, Worthing**

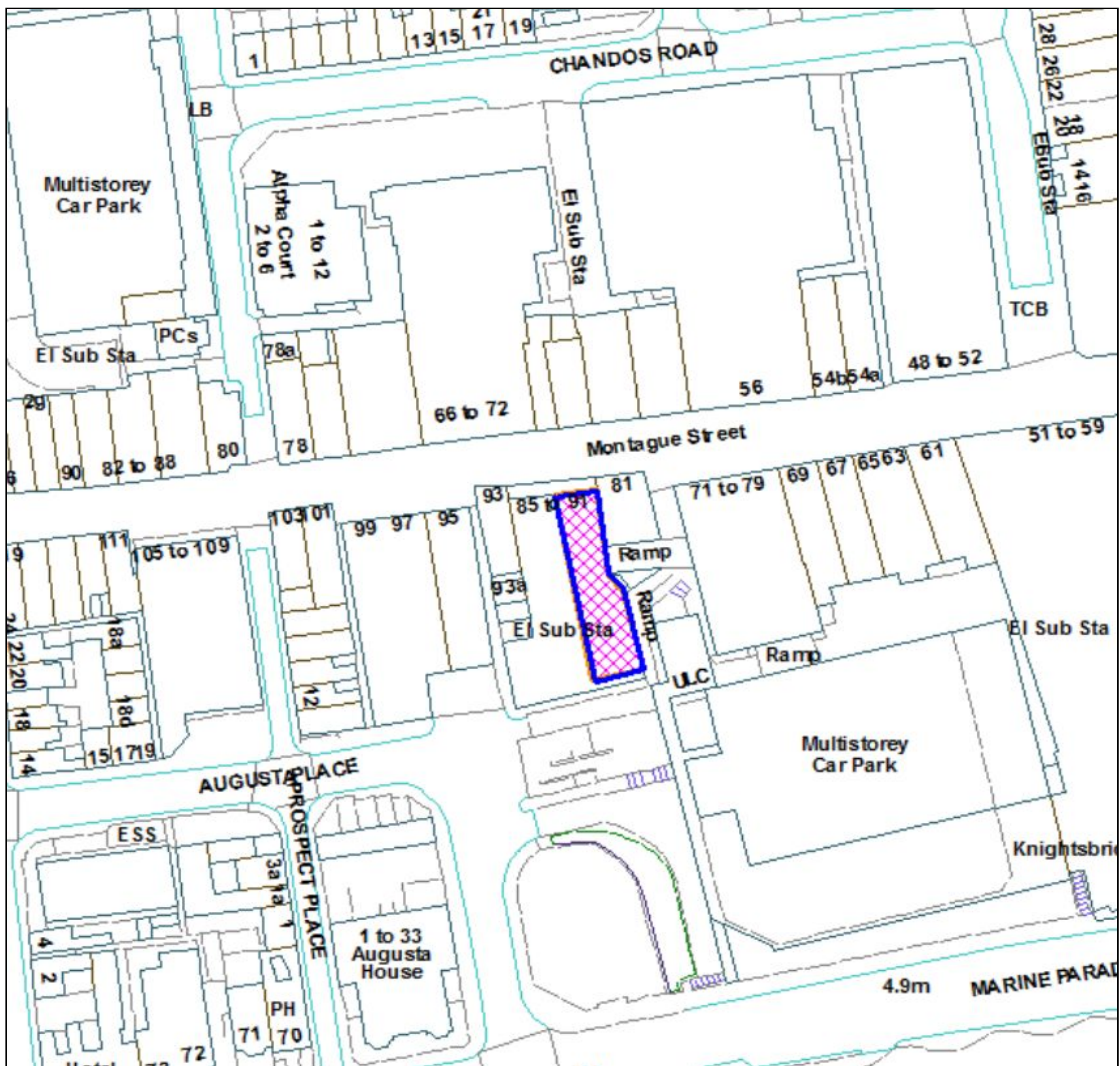
Proposal: **Temporary siting of storage container for 7 months of the year (April to October inclusive) for the storage of kayaks, paddleboards and ancillary equipment in connection with a seafront concession hiring such equipment.**

Application Number: AWDM/2132/20 **Recommendation - APPROVE**

Site: **85 - 87 Montague Street
Worthing**

Proposal: **Regulation 4 application for the Change of use from
Class E to mixed use (comprising use class E -
Commercial, Business, Service, F1 - learning and
non-residential institutions and F2 - Local community)**

Applicant: Audio Active **Ward :Central**
Agent: Mr Colm Mckee
Case Officer: Gary Peck



Not to Scale

Proposal, Site and Surroundings

This application seeks permission for a change of use from Class E to flexible change of use (part) to mixed use to comprise use class E (Commercial, Business, Service) and F1 (learning and non-residential institutions) with F2 (Local community). The application is brought to the Committee for determination as the Council is the landowner, but does not intend to develop the land itself, hence the submission of a 'Regulation 4 application'.

The supporting information submitted with the application states that the applicants intend *'the creation of a socially engaged, music-focussed development hub on the ex-site of Dorothy Perkins on Montague Street, Worthing. Developed, managed and curated by youth music organisation AudioActive, the hub will bring together a creative density of established and new operators within Worthing's contemporary music and social innovation ecosystem including artists, record labels, community organisations, promoters, PR, videographers and social entrepreneurs to ultimately bring about better futures through and for music in Worthing. The hub will comprise a cafe, retail and events space to the ground floor, project and practice spaces to the first floor and offices and studio spaces to the second floor'*

The proposed breakdown of the proposed uses is as follows:

- Ground floor – Café / performance space (plus incidental changing rooms)
- First floor – Education / Practice space
- Second floor – Offices / practitioner spaces / recording studio.

Some of the proposed uses, such as the café, offices, and recording studio would fall under the new class E use and would therefore comprise permitted development, but the remaining elements do not benefit from permitted development or extant permission on the site.

There do not appear to be any restrictions on the site at present in respect of hours of use. The opening hours proposed under this application are 9am – 11pm - Monday - Thursday, plus Sunday, 9am - midnight - Friday and Saturday and 9am-12pm on Bank Holidays.

The application site is part of a three-storey building previously occupied by Dorothy Perkins and is situated on the southern side of Montague Street, one of the main shopping streets within Worthing town centre. The property is within the Central Shopping Area - Primary Zone A.

The total floorspace of the unit is given as 713 sqm across the three floors. The ground floor comprised retail floorspace with a stairway up to the first floor staff facilities to the rear. There is also access to a rear common way.

The first floor provides additional retail floorspace, a rear stock room and stairway up to the second floor which itself comprises ancillary office space, stock room, staff room and W.C.'s, and a plant room.

The ground floor frontage of the building contains a glazed shopfront and entrance with projecting fascia signage. The upper floors are brick faced with bay windows

and metal clad detailing to top and bottom. Above the building are two decks of the Grafton multi-storey car park.

The surrounding area is the town centre, predominantly commercial in its character.

Relevant Planning History

AWDM/0445/20: Application under Regulation 3 for temporary change of use of retail (Use Class A1) to a flexible use of retail (Use Class A1), or cafe/restaurant (Use Class A3), or assembly and leisure (Use Class D2), or office (Use Class B1(a)) for a temporary period of 3 years - Permission granted, but has not been implemented.

Consultations

Environmental Health

No comments

West Sussex Highways

The application for this change of use has been considered by WSCC as the CHA, no objection is raised subject to any conditions attached.

The site is located in a busy pedestrianized area of the town centre. Access to the site is on foot from Montague Street or to the rear of the store from Montague Place, where there is a loading/unloading bay.

The change from E class to F1/F2 will not create any significant impacts on the operation of the highway network. Access to multi-storey car parking is a short distance away on Augusta Place. Cycle parking is provided within the town centre on Montague Street, as such the site is considered to be sustainable.

No objection

Any other comments from consultees will be reported verbally at the meeting.

Representations

None received

Relevant Planning Policies and Guidance

Worthing Core Strategy 2006-2026 (WBC 2011): Policy 2, 3, 5, 6, 16.

Worthing Local Plan (WBC 2003) (saved policies): H18, TR9, RES7.

Submission Draft Local Plan: SS3, DM13

National Planning Policy Framework (March 2019)

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and,

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

It is considered that the main issue is the potential loss of the retail unit.

During consideration of the previous, unimplemented application it was noted that Worthing town centre is an important shopping centre having a strategic role within the coastal sub-region and that in addition to shopping, the town centre is also important for other uses including tourism, cultural and recreation uses, and businesses other than shops which contribute to the overall vitality of the town and make an important contribution to the local economy.

As explained previously, the retail strategy set out in the Worthing Core Strategy seeks to improve and strengthen the town's retail offer through safeguarding the retail character and function of its retail core area whilst having a more flexible approach to encourage a broader mix of uses, including cafes, restaurants and other commercial and leisure uses, elsewhere in the town centre. The application site is located in Primary Zone A which seeks to safeguard the retail character and function of the town centre by protecting Class A1 uses and resist development that would detract from its vitality and viability.

The consideration of the previous application took into account that there had been considerable discussion about the evolving nature of town centres and accordingly the Draft Local Plan identifies the need to improve and increase the mix of uses in the town centre.

The previous application was granted permission in June of last year and subsequently has been substantially altered by the introduction of the new Use Classes Order in September. The main driver of the new Use Classes Order is to enable a repurposing of buildings on high streets and town centres allowing a variety of uses appropriate to town centres.

The Council had already been taking a pragmatic approach to alternative uses in the town centre, as exemplified by the granting the change of use to a number of A3 uses in the Montague Centre in 2016 which at the time could have been argued to be contrary to retail protection policies. Similarly a more flexible approach was taken in respect of the application site with the granting of permission last year for

non retail uses in a Primary Shopping Area. Again, it had been accepted that A3 uses were an acceptable alternative in premises that had remained vacant.

It is perhaps telling that despite the flexibility outlined above, the permission last year has not been implemented, and indeed fewer of the units in the Montague Centre had changed to A3 use than had originally been anticipated. Added to the consequent effects of the pandemic and the change in government guidance via the Use Classes Order subsequently, it is therefore considered that the current application is one that should be encouraged.

As with the previous application, an A3 use would be proposed to the front of the ground floor which would maintain an active frontage to Montague Street. The proposed performance area would be to the rear of the ground floor area and would therefore be a use that would also attract visitors to the site, as it would have the potential to act as a cultural attraction.

Changes of use of the upper floor are normally less problematic in a town centre location but in this instance the proposed uses would be complementary to the activities on the ground floor, for example in terms of potentially supporting the performance space and therefore adding to the cultural offer of the premises. As such, therefore, the proposal appears to be precisely that which current government guidance now supports.

There are no changes to the shop front proposed under the current application. Any subsequent proposals to alter the shopfront or provide new signage may require a separate application.

The site is within a commercial primary shopping area and there are no residential properties within close proximity of the application site. In any case, it appears that the building is currently unrestricted in terms of any controls upon hours of use, whereas the current use proposes hours that can be controlled by condition. It is therefore considered that the application is acceptable.

APPROVE

Subject to Conditions:-

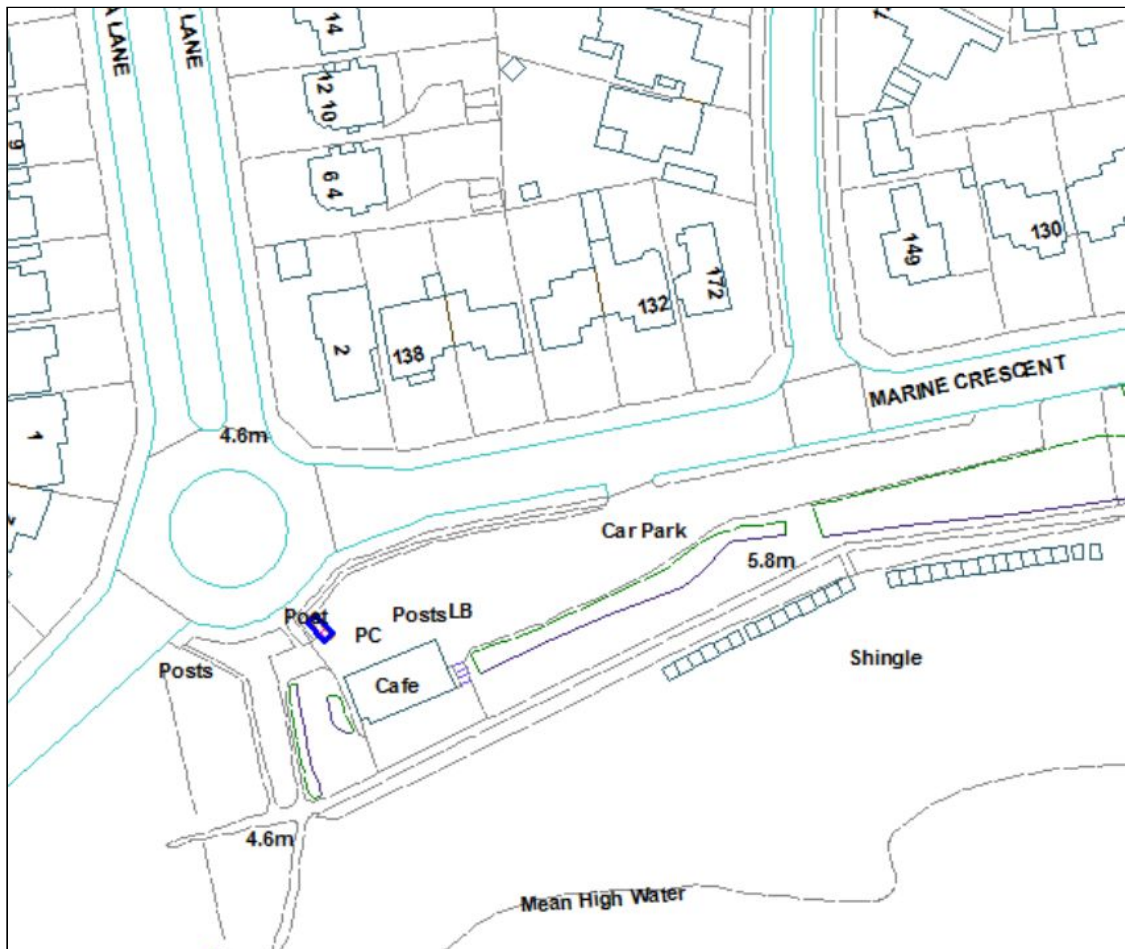
1. Approved Plans
2. Full Permission
3. Prior to any cafe/restaurant use of the premises suitable means of extraction and ventilation shall be provided in accordance with details first submitted to and approved in writing with the LPA.
4. Details of bin and recycling storage to be submitted
5. Opening hours restricted to 9am – 11pm - Monday - Thursday, plus Sunday, 9am - midnight - Friday and Saturday and 9am-12pm on Bank Holidays.

Application Number: **AWDM/0279/21** Recommendation - **APPROVE**

Site: **Car Park Adjacent Sea Lane Cafe, Marine Crescent Worthing**

Proposal: **Temporary siting of storage container for 7 months of the year (April to October inclusive) for the storage of kayaks, paddleboards and ancillary equipment in connection with a seafront concession hiring such equipment.**

Applicant: Andrea Derrick Ward: Goring
Agent: None
Case Officer: Gary Peck



Not to Scale

Proposal, Site and Surroundings

This application seeks permission for the temporary siting of a storage container for 7 months of the year (April to October inclusive) for the storage of kayaks, paddleboards and ancillary equipment in connection with a seafront concession hiring such equipment.

The storage container would be approximately 9 square metres, with a height of 2.59 metres and be sited within the car park adjacent to Sea Lane cafe, taking up one of the car parking spaces. It is stated that the container would be dark green in colour. The car park is bordered by a hedge that partly obscures most of the cars parked within it. The cafe is to the south and to the north is the roundabout at the junction of Marine Crescent, Marine Drive and Sea Lane.

Relevant Planning History

None considered relevant to the determination of the application

Consultations

Environmental Health

No objection

West Sussex County Council Highways

Summary

This proposal is for the temporary siting of a storage container for storage of kayaks, paddleboards and ancillary equipment. The site is located on Marine Crescent, a C-classified road subject to a speed restriction of 30 mph. WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

Content

The existing vehicular access will be utilised for this development. There are no apparent visibility issues with the existing point of access onto Marine Crescent. Given that the proposed storage container will be a replacement of an existing practice, whereby equipment is stored within a horsebox, the LHA does not anticipate that this proposal would give rise to a significant material intensification of movements to or from the site.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest the existing arrangement is operating unsafely or that the proposal would exacerbate an existing safety concern.

The placement of the storage container will result in the loss of one parking space. However, the LHA does not anticipate that the loss of one parking space would result in a severe highway safety concern, nor result in any parking capacity issues. There are comprehensive parking restrictions on the nearby maintained highway

network prohibiting vehicles from parking in places that would be a detriment to highway safety.

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

Representations

1 letter of comment has been received:

Although I understand the needs of the applicant I am concerned that this is not the best location. The car park is already busy and close to the extremely popular café. Would it not be better to site elsewhere and suggest either of the following two locations. Car park between Seaford Park and Beachside Close. Second option at sea end of Plantation close to the public toilets. Both sites I am sure will give the applicant and his clients more space without conflicting with the public either parking or using Sea Lane Café. The council must condition removal of the container during the remaining five months of the year.

Relevant Planning Policies and Guidance

Worthing Core Strategy (2011): Relevant policies include 3 (Providing for a Diverse and Sustainable Economy), 5 (The Visitor Economy) and 16 (Built Environment and Design)

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations

Planning Assessment

The main issue in the determination of the application is the effect upon the visual character of the area.

The applicant has a beach concession with the Council until October 2022 and their business is understood to have become more popular, although understandably affected by the pandemic in the past year. At present the applicants operate from a horse box which is parked outside of their homes and taken with a trailer to the beach at the start of each day and then removed again at the end of the day. However, as the business has become more popular, the horse box is no longer large enough to store all of the equipment. It is stated that the storage unit would

offer the business greater flexibility, as at present a decision has to be made at the start of each day whether to open up or not, whereas with a presence close to the beach, a short notice decision could be made to open up if, for example, the weather improves during the day.

Although a representation has suggested that preferable alternatives could be found for the location of the container, your officers feel that the site is well chosen due to the partial screening that will be achieved by the hedge surrounding the car park. Furthermore, with the backdrop of the cafe, it will not impede any sea views, yet be located in a relatively close position to the beach itself. The container can be removed for the remaining months of the year.

The business offers opportunities for residents and visitors to enjoy the amenities provided by the beach area and is therefore considered to be one that should be supported and accordingly the application is considered to be acceptable.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Colour of the container to be dark green
3. Siting of container to be allowed only between April 1st and October 31st inclusive each year.

24th March 2021

Local Government Act 1972

Background Papers:

As referred to in individual application reports

Contact Officers:

Gary Peck
Planning Services Manager (Development Management)
Portland House
01903-221406
gary.peck@adur-worthing.gov.uk

Schedule of other matters

1.0 Council Priority

- 1.1 As referred to in individual application reports, the priorities being:-
- to protect front line services
 - to promote a clean, green and sustainable environment
 - to support and improve the local economy
 - to work in partnerships to promote health and wellbeing in our communities
 - to ensure value for money and low Council Tax

2.0 Specific Action Plans

- 2.1 As referred to in individual application reports.

3.0 Sustainability Issues

- 3.1 As referred to in individual application reports.

4.0 Equality Issues

- 4.1 As referred to in individual application reports.

5.0 Community Safety Issues (Section 17)

- 5.1 As referred to in individual application reports.

6.0 Human Rights Issues

- 6.1 Article 8 of the European Convention safeguards respect for family life and home, whilst Article 1 of the First Protocol concerns non-interference with peaceful enjoyment of private property. Both rights are not absolute and interference may be permitted if the need to do so is proportionate, having regard to public interests. The interests of those affected by proposed developments and the relevant considerations which may justify interference with human rights have been considered in the planning assessments contained in individual application reports.

7.0 Reputation

- 7.1 Decisions are required to be made in accordance with the Town & Country Planning Act 1990 and associated legislation and subordinate legislation taking into account Government policy and guidance (and see 6.1 above and 14.1 below).

8.0 Consultations

- 8.1 As referred to in individual application reports, comprising both statutory and non-statutory consultees.

9.0 Risk Assessment

- 9.1 As referred to in individual application reports.

10.0 Health & Safety Issues

10.1 As referred to in individual application reports.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

13.0 Legal

13.1 Powers and duties contained in the Town and Country Planning Act 1990 (as amended) and associated legislation and statutory instruments.

14.0 Financial implications

14.1 Decisions made (or conditions imposed) which cannot be substantiated or which are otherwise unreasonable having regard to valid planning considerations can result in an award of costs against the Council if the applicant is aggrieved and lodges an appeal. Decisions made which fail to take into account relevant planning considerations or which are partly based on irrelevant considerations can be subject to judicial review in the High Court with resultant costs implications.