Expiry Date - 25/03/2025

Development Control – Delegated Officer Report

Application Number: AWDM/0064/25 **Recommendation – REFUSE**

Site: **The Signal Post 79 Rowlands Road Worthing West Sussex**

Proposal: **Application to Vary Conditions 1 (Approved Plans) and 7 (Noise Management Plan) of previously approved AWDM/1370/22 to enable outdoor seating fronting Rowlands Road. [AWDM/1370/22: Change of use from Class E to public house/wine bar/drinking establishment.]**

Date of site visit: AWDM/1370/22 and most recently 25.03.2025

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The application relates to 'The Signal Post' a wine bar occupying the end unit within 'Burlington Terrace' a shopping parade fronting the south side of Rowlands Road at its junction with Milton Road.

The property is located within the town centre (secondary) shopping frontage.

There are residential flats on the 2 floors above the wine bar.

On the opposite corner of Milton Road is a hairdresser (No.81 Rowlands Road), with a residential flat above (No.41 Milton Road).

There are residential properties opposite the site on the north side of Rowlands Road and above the neighbouring retail/commercial units in Burlington Terrace.

Proposal

Planning permission was granted for the change of use of the property to a wine bar/drinking establishment in 2022 (AWDM/1370/22) and is subject to conditions to control the use to minimise the risk of noise disturbance to neighbours. Condition 7 requires adherence to the measures set out in a Noise Management Plan (NMP). The NMP specifies the customer smoking area as located at the front of the premises on Rowlands Road. No furniture is provided to avoid longer stays outside and [to avoid] disturbance created by furniture loading in and out. Customers using the smoking area are not permitted to take their drinks to reduce the length of stay outside.

Permission is sought to vary Conditions 1 (Approved Plans) and 7 (Noise Management Plan) of the planning permission approved under

AWDM/1370/22 to enable customer seating on the pavement fronting the wine bar in Rowlands Road.

A layout plan submitted with the application RSC/103/TSP/003-Revised 24.0125 shows 4no seats sited within a 0.5m wide margin on the pavement fronting Rowlands Road.

[It is understood the Applicant has made a separate application for a pavement licence.]

Relevant Planning History:

AWDM/1370/22 Change of use from current Class E to Sui Generis (public houses, wine bars, or drinking establishments). Granted with conditions 15.11.2022.

Consultations:

WSCC: The Local Highway Authority has raised no objection in principle, commenting:-

"*This application seeks to vary Conditions 1 and 7 of previously approved application AWDM/1370/22 to enable outdoor seating to site frontage. The is located on Rowlands Road, an unclassified road subject to a speed restriction of 30 mph. For context, WSCC in its role as Local Highway Authority (LHA) was a consultee for application AWDM/1370/22, raising no highway safety concerns.*

For the current submission, the applicant proposes outdoor seating along the site frontage on Rowlands Road. The proposed seating will be placed on the footway within land which is publicly maintainable highway. The applicant is advised that a Pavement Licence will be required from Worthing Borough Council to facilitate the proposed outdoor seating area, and that all structures should be removed from the footway at the end of the working day. This is to ensure that the full width of the footway can remain unobstructed for maintenance purposes.

Having reviewed the submitted plans, the footway width will narrow to 2m at its narrowest point, which would be considered a sufficient width as to not obstruct the route or flow of pedestrians along Rowlands Road. In addition, the siting of the outdoor seating is not anticipated to obstruct vehicular visibility for those using the Milton Road/Rowlands Road junction.

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."

Sussex Police comment as follows: -

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.

Although the level of crime and anti-social behaviour in Adur & Worthing district is average when compared with the rest of Sussex, 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.

This planning application is seeking permission for Variation of Conditions 1 (Approved Plans) and 7 (Noise Management Plan) of previously approved AWDM/1370/22 to enable outdoor seating fronting Rowlands Road.

The applicant and their partners are strongly advised to consult directly with the licensing team at Sussex Police before making plans for licensed premises serving alcohol or conducting other licensable activities at this site. The Sussex Police Licensing Team may have some of their own requirements that they wish 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 the applicant contacts them. Given that the public house is situated within an area which is primarily residential, and that this planning application is proposing outdoor seating fronting Rowlands Road – despite assurances as indicated within the accompanying noise management plan – I do have concerns about the amenity of the surrounding local community.

Therefore, a large degree of sensitivity will be required by the applicant to ensure the amenity of both the local and 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 especially during the warmer summer months.

Thank you for giving me an opportunity to comment. 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.

Southern Water: No comment.

Adur and Worthing Councils

EHO – Public Health:

"The proposals are quite modest and if submitted to the Council as part of a street table licence application on public land I would have no objection, subject to a curfew on their use beyond 10pm. Which is uniform across both Adur & Worthing.

We have no history of complaints against the premises since it opened therefore I would have no objection to the variation of conditions subject to the varied conditions including at curfew of 10pm on the use of the outside seating area."

Representations:

Representations objecting to the proposal have been received from the occupiers of Flat 3, 79 Rowlands Road, Emerald Finance, 77 Rowlands Road and Flat 9, 36 Wordsworth Road raising the following concerns: -

- To put tables and chairs onto the main street in Rowlands Road would leave insufficient space and be a hindrance to the disabled, parents with children in pushchairs. If a parent with a group of children should pass someone would have to walk in the road.
- There is a disabled parking bay practically opposite where this would be located.
- This will obviously become a smoking area as well as seating of which the smoke would rise and so residents would not be able to open their windows during summertime.
- This bar has already increased noise levels in the area; being able to hear doors banging from the back of the building, bottles being tipped into bins late at night; it has been known for the establishment to host a party with participants and music being played loudish which can be heard throughout the buildings surrounding the bar.
- The proposal would be disadvantaged for tenants who have to get up early for work and on days off.
- Increased noise pollution and disturbance will affect the running of the [finance] business, the taking and making of phone calls and client meetings. Would be unable to have the office door open as the noise disturbance from people sitting outside would be disruptive for staff and clients alike. We deal with client sensitive matter, with the majority of those visiting being elderly, and people sat outside would encroach client privacy and create an uncomfortable environment. Our premises is a shopfront, staff don't want intoxicated people staring in at them, nor would we them to be made to feel uncomfortable whilst at work. No one wants to leave work and walk past inebriated people. The proposals will have a detrimental effect on business and staff, affecting recruitment and retention and a drop in trade.

- Potential increase in criminal damage and vandalism with people drinking outside The Signal Post and effectively outside our office premises.
- Smokers will be close to the office entrance door and will be unpleasant for staff and clients, not to mention a health risk. We would be unable to leave the door open.
- There are already numerous social issues in the area with frequent police visits. People smoking and drinking outside will not help matters.
- Even a 10pm curfew would have a great effect on local residents of all ages and is unfair.
- The 50cm space allocated for seating is unlikely to be maintained as this does not include the person sitting in the chair. There is a high chance of encroaching on the pavement that would reduce space for passing traffic, scooters, pushchairs, wheelchair users etc.
- The mobility scooters of patrons to the pub are already parking in this space and there would be nowhere else for these to go.
- No concerns about how the pub currently operates, I have been pleasantly surprised about how respectful and quiet they have been to neighbours. As such the concern is not about the pub itself but the impact that outdoor seating and late-night noise could have on my home environment. I live opposite with bedroom windows facing the pub. The flat provides the peaceful environmental needed by me and my daughter. A previous living situation became intolerable affecting my mental health due to excessive noise from a café that obtained a late-light licence. Concerned that a similar situation will arise. Introducing outdoor seating will inevitably lead to disruption in an area where there are no pub or loud establishments. Increased noise form customers socialising late into the evening, loud music if entertainment is allowed outside and potential for anti-social behaviour, shouting and disturbance. This is particularly concerning, as having a quiet stable home is crucial for my daughter's wellbeing. Urge refusal to the application to protect the wellbeing of residents who are vulnerable to noise and disruption and do not have the luxury of being able to move if this turns into another intolerable situation. If approved, it is required that strict conditions be imposed to limited outdoor seating hours, and prevent music from being played outside.

The Applicant has responded to the above concerns summarised as follows: -

- The Signal Post (SP) opens at 12pm and busy periods are outside the hours Emerald Finance's (EF) business hours. Lunchtime trade is mainly food based and customers will wanted to sit inside at a table in the daytime.
- Signage would be posted asking customers to respect neighbours with staff managing any anti-social behaviour.
- The SP customers are mature and respectful mainly in an age bracket 30-50yrs. We have seen no anti-social behaviour in the time we have been open. We do not serve intoxicated customers or anyone exhibiting any form of anti-social behaviour.

- Smokers will continue to use the existing smoking area on Milton Road during EF business hours.
- Apologise for existing food smells.
- Social issues (drugs, vandalism, homelessness) have been vastly reduced since opening. Drug use to the rear in Milton Street and Milton Road has stopped entirely due to our presence, installation of CCTV and security lighting and participation in Worthing PubWatch.
- Take relations with neighbours very seriously and have collected 92 signatures in support and 11 letters of support from surrounding neighbours. There would only be a limited number of stools available and mainly used by customers to enjoy the sunshine or wait for a table inside to become available. We are in discussion to impose a curfew on outdoor seating to ensure neighbours are not disturbed at antisocial hours.
- We would leave ample space on the pavement for wheelchairs and buggies to pass – more than the legal requirement. We take disability access very seriously and have manufactured ramps to enable customers to move around the premise easily and hence have several disabled customers who have signed letters in support.
- Cannot understand why privacy is an issue since the proposed seating would not provide a direct view inside EF premises which is mostly obscure glass anyway. We have a direct view of the outside seating from inside the SP and would be 'policing' any customers outside. Anti-social behaviour is not tolerated.
- Two main reasons for the application: firstly customers ask for a seat outside whilst they drink or vape to enjoy the fresh air, some have mobility issues and simply want to sit whilst they smoke to avoid discomfort; secondly, from a business perspective a few outdoor stools will enable customers to enjoy the weather and currently having no option occasionally loses business.
- The outdoor seating would consist of five stools and a shallow shelf to rest a glass on.
- Any business use of the premises is bound to make some noise but we keep in contact with neighbours and respond quickly to any issues. We do not use the heavy fire door in the evenings and empty all glass in the late morning. We are a community focused business and would not put in this application if we thought that it would cause any inconvenience to local residents and businesses.

A response has been received from the business operator at Emerald Finance, summarised as follows: -

- 'Increased Noise and Pollution'; Our office is open between 12.00 and 18.00hrs so will be affected by the 'drink on the way home' customer. It would be difficult to police only using the outdoor seating area at certain times.
- 'Smoking and Smell': It will be difficult to control where people choose to smoke. Our statement did not suggest the smell of food is unpleasant but just that smells can drift into the office, which when it is cigarette smoke will be unpleasant and unhealthy.

- ‘Social Issues’: To suggest the SP has vastly reduced drugs, vandalism and homelessness in the area and has stopped entirely is a false statement, This area has higher than average social issues compared to other areas of the town as seen by the frequent presence of police in the area and break-ins. Whether it has reduced is a moot point and one for the Police to confirm, but it certainly isn’t due to the SP’s presence. On more than one occasion SP staff have asked for our CCTV after the pub was broken in to at the rear.
- ‘Space’: The pavement is not wide, and no-one enjoys passing or brushing past those drinking on the street, regardless of age. This is more prevalent for the elderly who are frequent patrons on this road. People do not chat in an orderly line and the area could easily fill up when busy or when people are waiting to get in, and effectively block the pavement, resulting in the risk of a passer-by in the road. I urge those making the decision to take a closer look at the space available and the impact this proposal would have if only 2 people deep with a chair or stool in place.
- ‘Impact on Neighbours’: The SP has created a pleasant environment and provides a service that has been created in a tasteful and well-presented way. However, it does not impact the majority of people in the local area and the number of signatures doesn’t reflect those the proposed outside seating would impact. The pub is rarely so busy that people would have to wait outside for a table inside. It does not matter whether it is a chair and table or a stool and ledge, it is the presence of people outside that results in a disturbance by the natural conversation and social noise and smells that the environment creates.
- ‘Lack of Privacy’: Customers outside the SP would have direct sight into our premises. Our frosted windows are advertising and stop at waist level. We deal with clients’ private affairs, and they have the right to privacy whilst in our premises
- ‘Anti-social Behaviour’: This week there was a dried blood splatter all over the pavement near SP so there is clearly some anti-social behaviour in the area, although no suggested it is necessarily related to the SP. Only so much can be done to control the behaviour of others but alcohol is a known contributor. It will be harder for staff to monitor those outside compared to those inside the premises.

Representations in support have been received from the occupiers of 14 Milton Street, 41 Milton Road, commenting as follows: -

- Lived next door since opened in Sept 2023, exceptional dedication and unwavering commitment to running the business responsibly, with community harmony and safety at forefront. The team at The Signal Post are community orientated and excellent neighbours.
- Never been bothered by noise including customers leaving as late at 11pm.
- Feel safer, having notices a reduction in anti-social behaviour on Rowlands Road and Milton Road because of lighting and CCTV that has been installed at the premises. The outside lights stay on until 10pm meaning everyone feels safer in the area.

- Staff would be able to manage outdoor seating plan and any potential noise responsibly, considerately and safely. They will manage the proposed seating with great care and dedication to the residents around them.
- Since opening there has been a significant reduction in criminal behaviour in the area.
- The plans for the premises can only make this already excellent establishment even better.
- Before The Signal Post opened was a small crime ridden road with next to nothing positive happening along it. Since The Signal Post opened, we have found that the whole road now has a brightly lit appeal.

Relevant Planning Policies

National Planning Policy Framework (MHCLG 2024)
National Planning Practice Guidance
Worthing Local Plan 2020-2036
SP1 (Presumption in Favour of Sustainable Development)
SP3 (Healthy Communities)
DM6 (Public Realm)
DM13 (Retail and Town Centre Uses)
DM15 (Sustainable Travel and Active Travel)
DM22 (Pollution)

Planning Assessment

Principle

In the context of the Town Centre, policy DM13 states that 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. This is expanded further in the supporting text at paragraph 5.186 which recognises that bars, restaurants and cafes can have an important role to play in the success of the town centre as they can broaden the daytime attraction as well as supporting a vibrant evening economy. The supporting text recognises that a careful balance is required to avoid the cumulative effects of such uses leading to problems of crime, disorder and noise that would unacceptably impact the amenity of those living and working in the area.

The Signal Post is located at the far western end of the town centre shopping centre. It includes a mix of small convenience stores, charity shops and hairdressers and the like, but is also characterised by a mix of specialist shops, art galleries/studios, a pottery café, up-cycled second-hand furniture shop etc. Promoted as the ‘West End’, this part of Rowlands Road has a thriving, independent character with relatively few vacancies. Since it opened in 2023, the Signal Post has undoubtedly contributed to the vitality of this part of the town centre.

The only other bar/drinking establishment in Rowlands Road is ‘Bar Next Door’ at 21 Rowlands Road - now closed. Further to the west is ‘The Whiskey Rooms’ at 142 Montague Street and ‘Rose and Crown’ 169-173 Montague Street, a traditional public house.

There is no objection in principle to the provision of outdoor seating on the pavement to broaden the existing commercial ‘offer’ and add to the vitality of the town centre. The relevant considerations are the effects on public realm and highway safety, including accessibility for pedestrians; the effects on the amenities of nearby residents and businesses, and others living, visiting or working in the area.

Residential Amenity

There is no suggestion that the current use of the premises as a wine bar is having an unacceptably harmful impact on the amenity of nearby residents and businesses. It is clearly a popular social venue well supported by the local community. However, the introduction of outdoor seating, albeit limited, will have the potential to increase noise and disturbance.

The Council’s Environmental Health Officer has raised no objection in principle, subject to the outdoor seating not being used after 22.00hrs. The Sussex Police (Designing Out Crime) Officer has not formally objected, but takes a more cautious view, expressing concern about the impact of the proposals on the surrounding local community despite assurances outlined within the submission.

Representations have been received both in support, and objecting to the proposals. Those raising concerns are typically located in closer proximity to the proposed outdoor seating area than those in support, including the neighbouring business occupier at No.77, and the occupier of one of the upper floor flats at No.79.

The number of seats would be very limited (4 or 5) and could be controlled by imposing a condition. Even so, the presence of customers would be visually apparent to staff/customers of the neighbouring business premises at No.77 owing to the juxtaposition of the proposed pavement seating to the entrance door/glazed shopfront of that unit. The presence of customers outside would also be likely to be audibly apparent from this unit. Whilst there is no suggestion of rowdy or anti-social behaviour, customers of the wine bar would be relaxed, chatting and laughing in their normal conversation without inhibition. The noise of conversations would be more apparent in the Summer, including to the occupiers of nearby residential occupiers, when the windows and doors are more likely to be open, and during the evening when other commercial/business premises have closed, and there is less road traffic noise. It would be difficult for staff to control the noise of normal customer conversation, or to prevent customers standing alongside seated customers as part of a larger group. Together with any smokers standing outside, there

would be the potential for more than 4 or 5 customers to linger outside the premises at any one time
.
Unlike the core of the town centre, the character of this part of Rowlands Road is far more mixed, with commercial uses typically ‘low key’ in nature, and with a significant number of residential dwellings in relatively close proximity. Whilst it is accepted that the same standards of residential amenity could not reasonably be expected here as for more suburban locations, it is considered the potential for noise and disturbance associated with the introduction of even a modest area of outdoor seating would unacceptably impact the amenity of those living and working nearby.

In terms of precedents for pavement seating; the (currently vacant) bar at 21 Rowlands Road (formerly Bar Next door) dates from the late 1960s and benefits from a very shallow forecourt. Google Street View imagery indicates that bench seating for customers was provided on the forecourt c.2015/6 (but without the benefit of planning permission).

Elsewhere, The Whiskey Rooms in Montague Street also has a shallow private forecourt where a small number of removeable tables and chairs are provided (limited to use between the hours of 11.00 and 21.00 on any day). However, this part of the town centre is more commercial in character with a number of different businesses opening into the evening. For example, the Whiskey Rooms adjoins a pizza restaurant with its own forecourt area of outdoor seating, and lies diagonally opposite The Rose and Crown pub. Also, there is no residential flat above The Whiskey Rooms.

Public Realm & Highway Safety

The public realm is the space around, between and within buildings that is publicly accessible, including streets and pedestrian routes. The quality of the public realm has a significance on quality of life because it affects people’s sense of place, security and belonging. Policy DM6 states that proposals must ensure that the public realm is (amongst other things) safe, accessible for all, inclusive, attractive and easy to understand.

The pavement on Rowlands Road in front of the premises varies in depth between 2.7m and 2.5m (closest to the entrance door to the premises).

A number of representations have made reference to the proposals resulting in the possible obstruction of the pavement for pedestrians, particularly those with mobility issues, or wheelchair users, and prams and buggies. The Local Highway Authority has not raised any objection noting at its narrowest the pavement would narrow to 2 metres, which would be considered a sufficient width as to not obstruct the route or flow of pedestrians along Rowlands Road.

The LHA response is based on the submitted seating plan which shows 4no seats/stools sited within an area 0.5m deep along the back edge of the pavement closest to the premises. However, this does not appear to take

account of the space needed for a person to sit on a seat/stool, or in the absence of sufficient room for barriers/ropes/posts, the risk of seats/stools being moved by customers beyond the 0.5m deep seating area further onto the pavement. Nor does it appear to take into account the presence of smokers in this area who may (or may not) be seated. Even if these matters could be satisfactorily resolved, as mentioned above, customers seated outside would be relaxed, chatting and laughing in their normal conversation without inhibition. Even if not posing a physical obstruction, their presence would nevertheless have an impact on the quality of the public realm experienced by pedestrians required to pass-by in such proximity, which could be intimidating for some, and would not meet the high standards sought by policy DM6.

Visual Amenity and Heritage

No external alterations to the building are proposed other than a narrow shelf on which glasses could be placed. The proposed seating would be moveable and stored inside the premises when closed.

Recommendation

REFUSE for the reason:-

The variation of conditions 1 (Approved Plans) and 7 (Noise Management Plan) of AWDM/1370/22 to introduce an area of outdoor seating would be likely to unacceptably impact the amenities of nearby residential occupiers and businesses and would likely cause an inconvenience for pedestrians and passers-by on the pavement contrary to policies DM5, DM6 and DM13 of the adopted Worthing Local Plan.

Informative

Pro-active – refusal (no discussion).

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

Case Officer: Jo Morin Date: 25.03.2025

Authorised by: Peter Barnett Date: 25 March 2025