

Development Management – Delegated Officer Report

Application Number: AWDM/0201/26 **Recommendation:** – APPROVE

Site: **Shop Salvington Hill Stores Salvington Hill Worthing**

Proposal: **Application to vary Condition 4 of approved AWDM/0874/25 to allow extended opening hours for use of the external seating area from 08.30am Monday to Saturday (excluding Bank/Public holidays) and 9am on Sundays and Bank/Public Holidays (changing from 11.00am)**

ORIGINAL DESCRIPTION: (Amendment to approved application AWDM/1079/20 (for Partial Change of Use from A1 (retail) to A4 micro-pub; internal reconfiguration to include accessible WC, cold room, counter space and barbershop). Amendments to include, extended opening hours, use of television, pre-prepared food provision. Proposed new canopy over external seating area, provision of live acoustic music within premises and parking for mobile catering van within the forecourt. Part retrospective consent for retention of canopy over external seating within the existing licensed area.)

Date of Site Visit: 19/02/26

Neighbours Checked: Y

Additional Neighbours Notified: N

Site and Surroundings

The site is located on a corner plot at the top of Salvington Hill and at the junction with Furze Road and Honeysuckle Lane. The site is within the built up area boundary for Worthing. The building is not within a conservation area and is not a listed building. There are no protected trees on site. The South Downs National Park lies approximately 244m to the west of the site.

The site comprises a crescent shaped single storey building with front and rear dormers and accommodation in the roof. There is a forecourt and parking area to the front of the building (north-east/east) elevation and a small, enclosed compound to the south for residential parking for the flat above the shop.

The building has white/cream rendered elevations with black timber boarding detail, timber shop window frames and a tiled hipped roof. The parking area to the front of the building is accessible by vehicles from Furze Road to the north and Salvington Hill to the east. There is a low brick wall to the front boundary of the site between the two accesses.

The rear wall of the building forms the rear boundary of the site which adjoins the house at 33 Furze Road to the west and the garden of this property to the south-west. No.33 Furze Road is a separate dwelling that is attached to the west of the building

(this does not form part of the application site). To the south, behind a boundary fence is a narrow public footpath, and beyond this a neighbouring house and garden, 'Eskdale' in Salvington Hill.

The building currently accommodates 'The Refreshment Rooms', a micro-pub, a village shop and hairdressers. There is an external seating area to the front (south-east/east) of the shop for use by customers.

Amendments to the original application AWDM/1079/20 were approved under application AWDM/0874/25, these amendments included extended opening hours (later into the evening), use of television, pre-prepared food provision, a new canopy over the external seating area, provision of live acoustic music within the premises and parking for mobile catering van within the forecourt. Part retrospective consent was also granted for retention of a canopy over the external seating area.

Proposal

Planning permission is sought under S73 to vary condition 4 of approved application AWDM/0874/25 to allow earlier opening times for the external area of 8.30am Monday to Saturday and 9am on Sundays and Bank/Public Holidays. The current opening hours for the external seating area are 11am daily. The specified condition is:

Condition 4

The premises shall not be open for trade or business except between the following hours:-

a) in respect of the Micropub, 07.30hrs and 11.00hrs Monday - Saturday and 08.00hrs and 12.00hrs Sunday and Bank/Public Holidays for non-alcoholic sales, and 11.00hrs and 22.00hrs Monday - Wednesday, 11.00hrs and 23.00hrs Thursday - Saturday and 12.00hrs and 21.00hrs Sunday and Bank/Public Holidays for all sales.

b) in respect of the Village Shop, 07.30hrs and 22.00hrs Monday - Wednesday, 07.30hrs and 23.00hrs Thursday - Saturday and 08.00hrs and 21.00hrs Sunday and Bank/Public Holidays.

c) in respect of the Barbershop, 09.00hrs and 19.00hrs Monday - Friday, 08.30hrs and 17.00hrs Saturday and 08.30hrs and 17.00hrs Sundays.

d) in respect of the external seating area, between the hours of 11.00hrs to 21.00hrs Monday to Saturday and 11.00hrs to 18.00hrs Sundays and Bank/Public Holidays.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties having regard to policy DM5 of the Worthing Local Plan.

Relevant Planning History:

AWDM/0483/19 - Conversion of existing roof space over existing village shop, post office and hairdressers to self-contained 2 bedroom flat with 5 no. pitch roof dormers to east/north-east elevation and large continuous dormer to west/south-west elevation

with 3 no. roof lights to flat roof, hip to gable roof extension to east elevation and other alterations including bin store and bike rack to south.

STATUS: Application Refused 4th July 2019.

AWDM/1079/20 - Partial Change of Use from A1 (retail) to A4 micro-pub; internal reconfiguration to include accessible WC, cold room, counter space and barbershop

STATUS: Application Permitted 10th November 2020.

AWDM/0874/25 - Amendment to approved application AWDM/1079/20 (for Partial Change of Use from A1 (retail) to A4 micro-pub; internal reconfiguration to include accessible WC, cold room, counter space and barbershop). Amendments to include, extended opening hours, use of television, pre-prepared food provision. Proposed new canopy over external seating area, provision of live acoustic music within premises and parking for mobile catering van within the forecourt. Part retrospective consent for retention of canopy over external seating within the existing licensed area.

STATUS: Application Permitted 2nd February 2026.

Consultations

Environmental Health: *I recommend the extended opening hours for Sundays and Bank/Public Holidays commence at 09:00hrs. Otherwise we have no adverse comments in relation to an 08:30hrs commencement time for all other days.*

Reason: To safeguard the residential amenity of neighbours.

Sussex Police: *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 as indicated within Police.uk 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 seeks to vary Condition 4 of approved AWDM/0874/25 to allow extended opening hours for the external seating area from 08.30am (changing from 11.00am).

My main concern with additional hours of trading especially in relation to the external seating area is the amenity of the surrounding local community who may be adversely affected with noise by customers in the early morning.

A large degree of sensitivity will be required to ensure that the surrounding local community are not unduly disturbed, and it will therefore be a matter for the applicant to ensure that this is managed in the most appropriate manner.

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.

Planning Applications Highways: *WSCC in its role as Local Highway Authority (LHA) has been consulted on highway matters by the Local Planning Authority (LPA) for the proposed variation of Condition 4 of approved application AWD/0874/25, to allow for extended opening hours for the external seating area from 08:30 am (changing from 11:00 am). Such proposals would not be anticipated to impact upon 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.

Neighbour Representations

A total of 5 representations have been received, 3 in support and 2 objecting to the proposed variation of conditions.

Support:

Foxley Lane

100% in support of the external seating area to be available from 8.30am. There is nothing better after an early morning walk to pop into the Refreshment Rooms for coffee/tea and perhaps a cheeky cake or two. When the weather is good to sit outside makes the experience even more enjoyable.

This facility enhances this community hub/resource enabling people of all ages/abilities to feel a sense of belonging, to form support networks and build new friendships

Ellis Avenue

The Refreshments Rooms is key element of the High Salvington community and we should support this local hub as much as we can.

I have lived here since before it was the Refreshment Rooms (RR) and the change from a village post office to the RR has been a huge benefit to all that live in High Salvington. I have met so many neighbours that I would never have spoken to and that is such a key thing in modern times. Social areas where we can interact provide huge mental health benefits and we should cherish these areas.

RR has my complete support for this application and will only enhance the community spirit that this venue has fostered.

Firsdown Road

I fully support this business as it has added huge benefits to life in High Salvington.

Object:

Furze Road

I object to this application for the following reasons:

The applicant/operators of this business only obtained a revised planning consent on 21 January 2026, and yet within the space of a few weeks, they are seeking a revision to this consent because they don't like the conditions that were attached to the last approval. Indeed, the applicants are already operating the business in breach of these, because they clearly consider that planning conditions do not apply to them and can be ignored.

I consider that the previous planning decision in January is flawed, and that decision should be revisited because it contained highly misleading information in the supporting document prepared by the Council's planning officers.

This document stated that the Council's Parking Service Manager had advised that between January 2023 and December 2025 enforcement officers had visited 302 times, observed 12 offending vehicles, and that 7 penalty charge notices had been issued. It thereby implied that there was not an issue with illegal and dangerous parking by the customers of this business.

These figures are misleading because they relate purely to Salvington Hill, which covers Swandean hospital at the bottom of the hill, and they do not include Furze Road, where the vast majority of parking issues caused by this business have occurred. Illegal parking has only occurred since March 2025 following the introduction of double yellow lines at the top of Salvington Hill, and Furze Road.

The business is in a residential area, and because of this, conditions were attached to the previous consents to ensure that the business would not cause any unacceptable detriment to the amenity of residents of adjacent properties. In this respect the Council's Environmental Officer submitted a report dated 30 September 2025, which made a number of recommendations to protect the residents of adjacent properties. One of these was that the outside seating area should not be used before 11 am.

At the planning hearing on 21 January 2026, it was clear that the members of the planning committee had not read, or were even aware of this report, and indeed the report itself could not be located during the planning hearing. Consequently, the recommendations contained within it were not considered at the hearing prior to a decision being reached, and were subsequently largely disregarded.

Recent noise levels have been unacceptable particularly on Saturday 28 February when a karaoke night was held at the business. A complaint was made, and a confrontation ensued between one of the operators of the business and a neighbour, resulting in this neighbour being intimidated, and being made to delete evidential phone recordings. Additionally, there has been an excessive level of noise caused from a generator used by one of the catering vans.

These incidents have been reported to the police, environmental health and planning enforcement.

Whilst the consultation response from Sussex Police in respect of this latest application does not raise any objection per se, the police state that their main concern is the effect that any changes have on the amenity of neighbouring properties.

The police go on to state that it is up to the applicant to ensure that this is managed appropriately. However, this has not happened in the past, and the applicants have not engaged with any immediate neighbour who does not support their plans.

I therefore object to any further variation or relaxation of the existing planning conditions attached to this business.

Officer Response – *This application can only consider matters relevant to the condition being varied, that being the earlier opening hours for the external seating area. No other matters can be considered including decisions made on previous applications. The figures and facts stated in the officer report for application AWDM/0874/25 were reported as received from the relevant consultees and are therefore correct in relation to the information provided. The comments from the Council's Environmental Officer dated 30 September 2025 were included in the committee report and published online 3 months prior to the committee meeting.*

Furze Road

Whilst I think the area is more suited to be a cafe and convenience store I object to the seating outside being extended to 0830. My reasoning is that as stated before this facility is not just frequented by locals it has become a destination venue. The parking is getting worse. Parking on pavements and maintained grass verges - especially by the taco van owners on a Friday night! The RR is used as a meeting point for running groups who ironically drive to high Salvington... 7-8 cars parked in Furze Road for a few hours as an example. The staff of RR often three. All drive to work causing more congestion in Salvington hill and Furze Road. If people are sitting outside so early it will be a nuisance for those who live in immediate vicinity - not everyone is awake at 0830. Some work shifts and need some peace not chatting and car doors slamming. I stress this is a quiet residential area.

My main objection is because... what is next. Every time an application is approved with restrictions a few weeks later another application arrives. My fear is 0730 opening and a breakfast bacon and bap van there causing even more traffic and chaos as residents wish to start the day in a more peaceful manner.

The RR is open long enough hours and often has customers with no respect or regard for the area. Enough is enough. Be grateful for what you have.

Relevant Planning Policies:

Worthing Local Plan policies (WBC 2023): SP1, DM5, DM8

National Planning Policy Framework (MHCLG 2024)

National Planning Practice Guidance

Supplementary Planning Document 'Sustainable Economy' (WBC 2012)

Planning Assessment:

The principle of development has already been approved, originally under AWDM/1079/20 and varied under AWDM/0874/25. The key considerations are the effects on the visual and residential amenities of the locality resulting from the earlier opening times for the external seating area as proposed by this application.

Visual Amenity

There would be no change to the layout or position of the external seating areas which are already established to the front of the building. There would be no adverse impact on the visual amenities of the locality as a result of the earlier opening hours using this existing facility in association with the established use.

Residential Amenity

The proposed variation of condition relates only to the external seating areas located to the front of the building. Openings hours would be changed from 11am to 8.30am Monday to Saturday excluding Bank/Public Holidays and 9am on Sundays and Bank/Public Holidays. This application would not alter the existing opening hours for non-alcoholic sales for the internal areas of the village shop and café/micropub which are permitted to operate from 7.30am Monday to Saturday and 8am on Sundays and Bank/Public Holidays which have been in place since the original planning permission granted in 2020.

The business has been successfully operating since 2022 and it is understood that customers have been using the external seating area prior to 11am, for some time (despite this being unauthorised). During this time period no recorded complaints relating to use of the outdoor seating area before 11am, had been received by the Council. The use of the seating area prior to 11am excludes the serving of any alcoholic drinks and is limited to tea, coffee, soft drinks and pre-made snacks, cakes, pastries etc. Given the nature of the use of the external seating area in the morning and the small size of the area, this is unlikely to generate any significant noise. Consideration must also be given to the lack of any complaints in relation to earlier use of the external area which has been carried out for some time. Formalising the earlier opening hours for this aspect of the business is therefore not considered to result in any significant harm or increase in noise or disturbance for local residents.

Environmental Health were consulted on the application and advised that there was no objection to the use of the external seating area from 8.30am subject to later opening hours of 9am on Sundays and Bank/Public Holidays. It is standard procedure to specify later opening hours on a Sunday particularly in predominantly residential locations such as this, to ensure that the amenities of neighbours are protected. The description was altered to reflect the slightly later opening time of 9am on Sundays and Bank/Public Holidays.

The consultation response from Environmental Health in relation to the previous applications for this use stated openings hours for the external area of 11am. For the most recent application AWDM/0874/25, the earlier opening hours for the external area were not being considered and therefore there was no reason to change this

advice, copied from the original application, as it was not relevant to the later opening times that were being considered. Following the decision to approve the above application, the applicant was reminded of the restrictions to the opening time for the external seating area which they had apparently not realised were different to the opening hours for the main business (even though this information was clearly stated in the conditions imposed on the previous applications). Whilst it is not relevant for the Council to determine whether or not the applicant's were aware of this point or not, a new application was requested to formally consider this variation to opening hours for the external seating area to open prior to 11am. No objection was raised from Environmental Health in relation to the earlier opening hours.

It is recognised that many residents have been frustrated by the applicant's apparent disregard of conditions however, the Council have sought to regularise any breaches through the submission of applications to ensure that full consideration can be given to these matters. Determination of this current application relates solely to the earlier opening hours for the external seating area and cannot consider any other matters.

Whilst applications are not determined in relation to numbers of objections or support received; to put the matter in context, a total of 176 residents were consulted on the current application and only 5 responses were received, out of these only 2 residents objected to the proposal for earlier opening hours for the external seating area.

A balance is required between supporting a successful local business to grow and thrive, securing the retention of a valuable facility for the community and safeguarding the residential amenities of local residents. The earlier opening hours for the external seating area are not considered to result in any significant detrimental impact on local residents and the variation of condition to the following can be supported.

Condition 4

The premises shall not be open for trade or business except between the following hours:-

a) in respect of the Micropub, 07.30hrs and 11.00hrs Monday - Saturday and 08.00hrs and 12.00hrs Sunday and Bank/Public Holidays for non-alcoholic sales, and 11.00hrs and 22.00hrs Monday - Wednesday, 11.00hrs and 23.00hrs Thursday - Saturday and 12.00hrs and 21.00hrs Sunday and Bank/Public Holidays for all sales.

b) in respect of the Village Shop, 07.30hrs and 22.00hrs Monday - Wednesday, 07.30hrs and 23.00hrs Thursday - Saturday and 08.00hrs and 21.00hrs Sunday and Bank/Public Holidays.

c) in respect of the Barbershop, 09.00hrs and 19.00hrs Monday - Friday, 08.30hrs and 17.00hrs Saturday and 08.30hrs and 17.00hrs Sundays.

d) in respect of the external seating area, between the hours of 08.30hrs to 21.00hrs Monday to Saturday and 09.00hrs to 18.00hrs Sundays and Bank/Public Holidays.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties having regard to policy DM5 of the Worthing Local Plan.

Recommendation:

APPROVE subject to condition(s) (as before except Condition 4 varied as set out above):-

1. Approved Plans
2. Left Blank - (previously approved time limit)
3. Car parking retained (including for mobile food van)
4. Opening Hours (as amended)
5. Micro-pub and retail use only - no use as general drinking establishment
6. Background music, TV noise limit
7. Open drinks only within designated areas
8. Signage to leave quietly
9. Doors/windows shut from 9pm and during live music and TV broadcasts
10. No fruit/gaming machines, TV broadcast inside only
11. Bottles to be disposed of between 10:00 and 20:00hrs only
12. No primary cooking (other than non-extract heating of pre-prepared food or sandwiches cakes etc.)
13. Live music, inside only, restricted hours (12.00hrs to 21.00hrs Friday & Saturday and 12.00hrs to 18.00hrs Sundays and Bank Holiday/Public Holidays), doors and windows shut during performance, no drums, bass or amplified music, Friday, Saturday, Sunday only
14. Parking of mobile catering van/vehicle on site no more than 4 times per week, service to finish at 9pm Thursday to Saturday and 6pm on Sunday/bank holidays

Informative

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. The applicant is reminded that the business should be operated in accordance with the specified conditions, specifically designed to protect residential amenity. Any breaches of condition will be investigated and enforcement action taken where necessary.

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

Case Officer: Amanda Haslett

Date: 15/04/2026

Authorised by: Louise Prew

Date: 15/04/2026