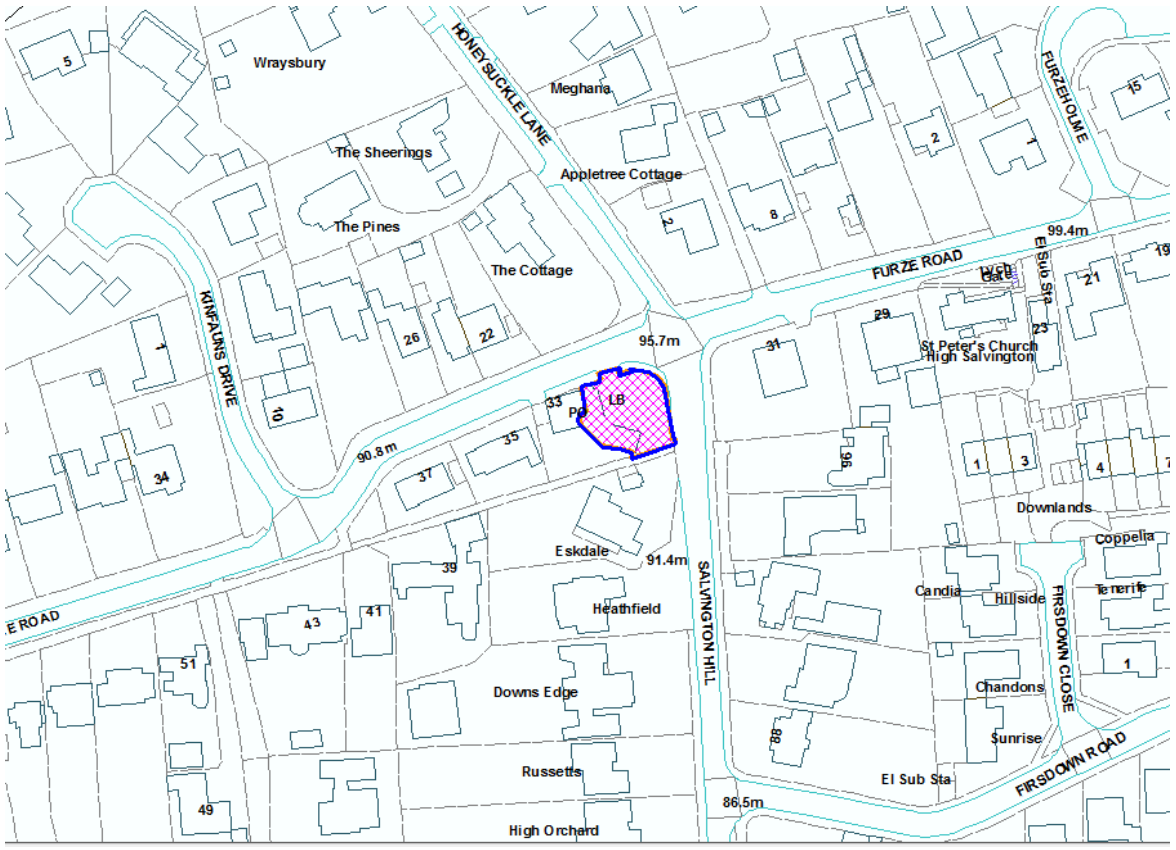
Application Number:	**AWDM/0874/25**	**Recommendation - APPROVE**
Site:	**Salvington Hill Stores Salvington Hill Worthing West Sussex**	
Proposal:	**Amendment to approved application AWDM/1079/20 (for Partial Change of Use from A1 (retail) to A4 micro-pub; internal reconfiguration to include accessible 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.**	
Applicant:	Mr Baxter	Ward: Salvington
Agent:	Mr Tommy Cairns	
Case Officer:	Amanda Haslett	



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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 outdoor seating area to the front (south-east/east) of the shop for use by customers.

Proposal

Planning permission is sought under Section 73 of the Planning Act, for amendments to approved application AWDM/1079/20 which granted consent for: *'Partial Change of Use from A1 (retail) to A4 micro-pub; internal reconfiguration to include accessible WC, cold room, counter space and barbershop*'.

The proposed amendments include, extended opening hours, the provision of live acoustic music and use of a television within the premises, pre-prepared food provision, updated parking layout to allow parking for mobile catering vans within the forecourt, a proposed new canopy over the external seating area, and retrospective consent for the retention of a canopy over the part of the existing external seating licensed area.

Amendments to Existing Operation:

Opening Hours

The extended opening hours proposed by this application are:

For the micro-pub and village shop: 1 additional hour (from 10pm to 11pm) on Thursday, Friday and Saturday and 3 additional hours (from 6pm to 9pm) on Sundays and bank holidays.

For the hairdressers/barbershop: 1 additional hour and a half (from 5.30pm to 7pm) Monday to Friday, 1 additional hour (from 4pm to 5pm) on Saturday and new opening hours between 8.30am and 5pm on Sunday.

There are no proposed changes to the hours for the external seating area: which is permitted for use between the hours of 11.00am to 9pm Monday to Saturday and 11am to 6pm Sundays and Bank Holiday/Public Holidays. The extended opening hours proposed above do not include the external seating area.

Provision of live music

Live acoustic music is proposed between Friday and Sunday within the premises. Music would consist of non-amplified acoustic music such as an occasional solo guitarist, or similar. The proposal does not include outside performances.

Television

It is proposed to have a television within the premises, showing occasional non-subscription events, such as terrestrial Six Nations broadcasts. Permission is needed due to condition 10 of the original planning permission which restricts this. The proposed TV broadcast would be limited to within the premises only, with doors and windows shut and subject to a noise limit of 75dB.

Parking layout

The provision of designated parking for a mobile food van on the forecourt of the site involves a change to condition 3 of the original planning application which required parking to be retained as per the approved plan. It should be noted that there are no changes to the existing approved parking on site which consists of 4 general parking spaces to the north-east area of the forecourt and 1 residents parking space for the flat above, within the gated and fenced area to the south-east corner of the site. The fence and trellis that previously enclosed the residential parking area has been replaced with a close board fence of the same height and includes vehicular gate access.

Parking for a mobile food van is an addition to the existing approved parking layout and provision. The designated parking space for a mobile food van as proposed would be adjacent to the residents parking area and the fence enclosing this area. Vehicular access would be retained as existing to the north and east of the site. There is no increase or decrease in general parking spaces or residents parking proposed by this amendment application.

Parking on forecourt for mobile food vans

As stated above, the application includes a designated space for the parking of a mobile food van/vehicle within the forecourt of the site. Whilst only a single mobile food van/vehicle is permitted on site at any one time, the space can be occupied by

a variety of different companies/suppliers, offering a wide selection of catering options. The mobile food vans currently serve the site Thursday to Sunday, typically from 4pm or 5pm until 9pm Thursday to Saturday, and all day on Sunday, finishing at 5pm. These vans serve the premises and other customers.

It should be noted that although the mobile food vans are parked within the site boundary, access to the forecourt is not restricted or limited to customers of the application premises and these mobile food vans are accessible for use by the wider public.

Pre-prepared food provision

This matter has been included for clarification only and food provision would continue to comply with condition 12 of the original planning permission which specifies *'There shall be no primary cooking or food preparation on the premises (other than for pre-prepared items and pre-packaged snacks)'.* The current provision is limited to items such as pre-prepared cakes, sandwiches, sausage rolls, pastries, etc. and the weekly cheeseboard charitable fundraiser on Sundays. The only heating of food is via a heated food cabinet that does not require any ventilation or extraction. There will be no on-site food preparation and no primary cooking on site. Environmental Health have suggested that the wording *'food preparation'* is removed from the condition to provide further clarity. The condition would still prevent any primary cooking on site.

External Alterations:

External canopy retention and proposal

Retrospective consent is sought for the retention of an external canopy to the north-east elevation (left hand side of the entrance). The canopy consists of a lightweight powder coated metal frame with open sides and front and an opaque roof. The frame measures 6m wide x 2.775m deep x 1.945m high to the front and 2.4m high where it adjoins the building.

The proposed canopy to the north-east elevation would be located to the right hand side of the entrance and would match the existing canopy in materials, design and height but would be smaller, measuring 2.8m wide x 1.4m deep.

The external canopies would provide cover to the designated external seating areas.

External seating area

The designated external seating area would be increased slightly from 30m2 to 32m2 to accommodate the new canopies. The designated area remains adjacent to the front of the building. The hours of use relating to the external seating areas will remain as approved on the existing consent and are restricted to 11am to 9pm Monday to Saturday and 11am to 6pm on Sundays and Bank Holiday/Public Holidays. The external seating area will continue to operate in accordance with condition 7 of AWDM/1079/20 which restricts open drinks to within the premises and outside within the designated external seating areas only.

The application is supported by a Design and Access Statement and Noise Management Plan.

Relevant Planning History

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. **Approved:** 10th November 2020.

AWDM/0444/25 - Application to vary Condition Number(s): 04 - Premises opening hours, 10 - TV broadcasting on the premises 12 - Food preparation on the premises, of previously approved AWDM/1079/20: Amendments: Hours - Mon - As existing Tue - As existing Wed - As existing Thur - 07.30hrs and 11.00hrs non-alcoholic sales. 11.00hrs to 23.00hrs all sales (extended for 1 hour from 22.00hrs) Fri - 07.30hrs and 11.00hrs non-alcoholic sales. 11.00hrs to 23.00hrs all sales (extended for 1 hour from 22.00hrs) Sat - 07.30hrs and 11.00hrs non-alcoholic sales. 11.00hrs to 23.00hrs all sales (extended for 1 hour from 22.00hrs) Sun and Bank Holidays - 08.00hrs and 12.00hrs non-alcoholic sales. 12.00hrs to 21.00hrs all sales (extended by 3 hours from 18.00hrs); 10 - TV broadcasting on the premises Permission requested for internal television usage within the conditions set out under condition 06 where the noise level shall not exceed 75dB (LAeq15min) anywhere 1m from the television inside the premises; 12 - Food preparation on the premises Permission requested for non-vented warming/heating of pre-prepared food items on the premises.
Withdrawn: 2nd July 2025 following the submission of the current application.

Consultations

West Sussex County Council: No objection from a transport/highways aspect.

For context, WSCC in its role as Local Highway Authority (LHA) was a consultee for the original approval AWDM/1079/20, raising no highway safety or capacity concerns.

For the current submission, the applicant proposes to extend the hours of operation on Thursdays, Fridays and Saturdays by one hour, closing at 23:00 (existing time of closure being 22:00). In addition, Sundays and Bank Holidays are proposed to be extended by three hours, closing at 21:00 (existing time of closure being 18:00). Whilst an increase in movements would be expected during these extended hours, this is outside of network peak times and given the scale of the operation on-site, is not anticipated to give rise to an adverse highway safety or capacity impact.

The LHA does acknowledge written representations referring to illegal on-street parking in this location. Whilst this is not a material consideration for the proposals sought, any illegal parking could be dealt with as an offence under Section 22 Road Traffic Act 1088 (Leaving vehicles in a dangerous position on the road including verge), and Section 137 Highways Act 1980 (Wilful obstruction of the free passage along a highway). Both of these acts are enforceable by Sussex Police.

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.

Adur & Worthing Councils: Environmental Health officer:

No objections to the proposed amendments contained within the application. However I request that some of the conditions from the previous permission are carried over in order to protect nearby residential amenity. Namely

- *Condition 04 (d) The premises shall not be open for trade or business except between the following hours:-*

  .....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 Holiday/Public Holidays.

- *Condition 07. Open drinks are only permitted inside the premises and outside within the external seating area in accordance with the specified opening hours for these areas and are not permitted beyond the external seating area or on the public pavement at any time.*

- *Condition 08. Prominent, clear signage shall be displayed at all exits requesting that customers leave the premises quietly.*

- *Condition 09. Other than as required for normal access, doors and windows to the bar/seating area shall be closed after 21:00hrs daily.*

- *Condition 11. Bottles shall be disposed of and waste collection of bottles is permitted during daytime hours only.*

- *Condition 12. Amended as per application but "no primary cooking" to remain.*

With respect to live acoustic music indoors, I recommend that this is restricted to Friday to Sunday indoors only as per the application; that no drums or bass instruments are permitted; that when this takes place all doors and windows are to remain closed except for access and egress; and I recommend this is restricted to the hours of 12.00hrs to 21.00hrs Friday & Saturday and 12.00hrs to 18.00hrs Sundays and Bank Holiday/Public Holidays.

Finally I recommend that the use of television is indoors only.

These measures should adequately protect nearby residential amenity.

20/11/2025 - Further comments for clarification:

The vans will need to be registered as a food business at their local authority, which may not be Adur & Worthing. They are then inspected for hygiene by that Authority. Cooking odours etc. would not be controlled, we only have Statutory Nuisance for that. There are no street trading restrictions in place for Salvington Hill and the fact

that the van is on private land means that any restrictions would not apply. A licence under the LA 2003 is only required if they were to sell hot food after 23:00hrs.

It is not unusual to ask for doors and windows to remain closed except for access and egress. If they are too hot inside then it is up to the premises to identify a method of cooling that also complies with this condition. In terms of the background noise condition (6), I envisage it would apply to times when live music is not provided. I agree this should extend to cover the use of a TV indoors.

Sandwiches (other than pre-prepared) would technically be food preparation, so maybe amend the condition (12) to remove reference to food preparation, i.e. no primary cooking only.

Sussex Police:

…Although the level of crime and anti-social behaviour in Adur & Worthing districts 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.

I direct the applicant to previous correspondence from this office earlier this year with regards to [the withdrawn] planning application AWDM/0444/25 dated the 10th of April submitted in order to vary Condition Number(s): 04 - Premises opening hours, 10 - TV broadcasting on the premises 12 - Food preparation on the premises of previously approved AWDM/1079/20.

This latest planning application AWDM/0874/25 dated the 14th of July 2025 relates to an amendment to approved application AWDM/1079/20. (Partially retrospective).
Then, as now my main concern with additional hours of trading (along with the provision of outside covered external seating coupled with live acoustic music and television), is the amenity of the surrounding local community who may be adversely affected with noise late into the night by customers. A large degree of sensitivity will be required to make sure the surrounding local community is not unduly disturbed, and it will therefore be a matter for the applicant to ensure that this is managed in the most appropriate manner.

Additionally - 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 business which is why it is extremely important that the applicant contacts them as soon as is practicable.

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.

Representations

A total of 44 representations have been received:

28 in support from 10A Arundel Road; 21 Ellis Avenue; 15, 19, 21 Firsdown Road (x2); 2 Furzeholme; 8, 12, 17, 39 Furze Road; 4, 31A Foxley Lane; The Oaks, Gorse Lane; 22 Hillview Road; 20 Hollyacres; 1 Kennet Close; The Choice, Mill Lane; 2 Palmers Way; 25 Salvington Hill; 12 Sompting Avenue; 80 Vale Avenue; 17 Vale Drive; Cissbury Lodge, West Hill Close; 44 West Way; 11 Woodlands Avenue; Billingshurst.

14 objections including from 1 Kinfauns Drive; 33 (x2), 37, 49, 51, 65, 67 Furze Road; Meghana, Celandine, The Cottage (x2) Honeysuckle Lane.

And 1 other representation, as detailed below:

Support: 29 representations received, as summarised below:

Community Value and Social Impact

- The Refreshment Rooms is a vital community hub and social space in High Salvington, which provides a place for people of all ages to meet, socialise, and build friendships
- Creates a sense of community and reduces social isolation, especially among older residents and encourages new residents to integrate and feel part of the village
- The businesses is the "heart of High Salvington" and gives the area a strong identity and character
- Supports inclusivity, with a welcoming, family-friendly and accessible environment and contributes to a positive community spirit and improved quality of life for residents
- Will enhance local amenity
- The business is a real asset to High Salvington and has a positive influence on the area

Provision of Local Amenities

- Provides essential local amenities where no others exist nearby (shop, café, micro- pub, barbers)
- Offers last-minute groceries and everyday necessities within walking distance for local residents
- Serves walkers, cyclists, and visitors to the South Downs National Park and Salvington Windmill
- Occasional quiz nights are enjoyed by locals and help foster community life
- Permission for live acoustic music, TV, and mobile food van would enhance the community use.

Economic Benefits

- This is a successful local independent business that deserves support, especially when many others are closing
- Creates local employment and supports other small businesses (food vans)
- Strengthens the local economy by encouraging residents to shop locally instead of travelling elsewhere
- The proposed changes (e.g. extended hours, live music, non-extract food provision etc.) will help ensure its long-term sustainability and are reasonable to support this local business.

Parking and Traffic

- As a nearby resident I do not experience noise, anti-social behaviour, food smells or any other inconvenience, traffic related or otherwise.
- Existing traffic problems are due to through-traffic (Bost Hill rat run) rather than the Refreshment Rooms
- The council enforcement (traffic wardens) has improved parking during busy times

Object: 14 objections received, as summarised below:

Noise and Disturbance

- Extended opening hours will increase late-night noise from customers, music, and vehicles.
- Any increase in permitted opening hours will only worsen what is already taking place.
- Strongly oppose any extension to opening hours (particularly to 23:00 or later). No Sunday or Bank Holiday extensions be approved
- Noise from people chatting, laughing, and leaving the premises (car doors slamming, engines starting, taxis waiting) already disturbs residents, especially after 10pm.
- Chatter from this establishment can already be heard some distance away and the volume increases as the evening progresses.
- Extended hours will increase the number of customers and consumption of alcohol.
- Rowdy or antisocial behaviour late at night due to alcohol consumption.
- Resigned to putting up with the current levels of noise and trouble but increasing the hours for alcohol use will increase issues.
- An additional hour's trading might appear insignificant but is far from it. That additional hour (or 3) will result in more customers staying longer, straying into the time when many people, and certainly children, will be in bed, giving rise to disproportionate additional noise and disturbance at a critical time. In reality, by the time that customers actually leave the premises, locate their cars, slam their car doors and start their engines, potential noise and disturbance to local residents will extend well past 11.00pm. With the best will in the world, no signage is going to mitigate these intolerable circumstances.
- Outdoor seating and food vans amplify noise and make nearby gardens unusable in the evenings.
- Has become a destination for beer drinkers with loud motorbikes and cars, revving their engines and keeping them running.
- Noise from live or televised events (e.g. sport, live music, quizzes, comedy) likely to disturb neighbours.

- Live music and television has greater potential to disturb neighbours than suggested in the application. Likely to extend well beyond the low key occasions that the applicants suggest.
- Live sporting events, with attendant boos, cheers, shouts and chants is evident to all and, in reality, will significantly exceed the effectively unenforceable noise limit of 75dB.
- General loss of peace and tranquillity in what was previously a quiet residential area.
- Unwelcome noise in what was a very peaceful and quiet road.
- Antisocial behaviour increased.

Parking and Highway Safety

- Insufficient parking for customers forces them to park on the road, hindering parking for residents.
- 4 parking spaces wholly inadequate and would be exacerbated by additional opening hours and facilities and by the occupation of the designated parking spaces by various mobile caterers.
- Food vans reduce on-site parking capacity, forcing overspill parking into residential streets.
- Severe congestion on Furze Road, Salvington Hill, and Honeysuckle Lane, particularly evenings and weekends.
- Regular illegal parking on double yellow lines, pavements, and across driveways.
- Irresponsible and inconsiderate parking by customers of the business creates safety and access issues into Furze Road, which is a fairly narrow residential road.
- Restrictions are regularly ignored by customers. This has led to visits from parking enforcement officers who have issued penalty charge notices to offending vehicles. These visits are however irregular, and drivers are continuing to offend, because the risk of being caught is low.
- WSCC Highways stated in their 2020 report that the Planning Authority may wish to consider the potential impact of the development on the on-street car parking from an amenity point of view, and I would urge the Planning Committee to look at this in the light of what has been seen since the business opened, and the subsequent introduction of double yellow lines in Furze Road, Salvington Hill and Honeysuckle Lane.
- Concerns about parking and highway obstruction were made during the initial application but these were ignored. Subsequently double yellow lines had to be introduced to overcome the parking problems due to the very limited parking at the venue itself.
- Previous introduction of double yellow lines has not solved the issue; enforcement is rare and sometimes confrontational.
- Dangerous position due to a sharp bend and lack of pavement on some corners.
- Poor visibility at junctions caused by parked food vans and cars.
- Buses, delivery vehicles, and residents struggle to pass; fire and ambulance access could be blocked.
- Risk to pedestrians, particularly those with pushchairs or mobility aids, forced to walk in the road due to pavement/kerb parking.
- Safety risks for dog walkers and pedestrians due to parking on pavements and narrow roads.

- Buses, which many residents need, have a difficult manoeuvre to get to their space.
- Parking for the flat is blocked off and used as a barrel store.
- Use of designated parking spaces for storage/barrels, reducing availability.
- Residents' visitors often cannot park nearby.
- Damage to pavements and kerbs from vehicles parking illegally.

Food Vans

- Food vans operate several nights a week, producing unpleasant cooking smells and noise.
- Engines and generators left running add to noise and fumes.
- Food preparation on-site breaches original planning conditions.
- Primary cooking is undertaken from these units, and the smells from these vans are considerably more intrusive to neighbouring properties than food preparation carried out in an indoor kitchen.
- Provision of food vans is contrary to the design and access statement which says "There will be no on-site food preparation".
- Garish signage and large advertising banners from food vans considered inappropriate for the area.
- Rubbish from the many food vans.
- Drinking on street corner when food vans are present.
- Early-morning set-up (e.g. for events) disturbs residents.
- There should be strict limits on number of food van visits (e.g. maximum 4 per week) and operating conditions.
- If food vans are to be permitted they should be subject to conditions a) limiting the duration for emission of cooking smells, b) not permitting the use of electricity generators, c) severe restriction of advertising signage

Breach of Existing Planning Conditions

- Conditions imposed on previous application relating to: car parking; opening hours; micro-pub and retail use only; background music only; open drinks only within designated drinking areas within opening hours; no gaming machines or television broadcast and no primary cooking on site remain relevant, should still apply to this business, and should be enforced.
- The operators of this business have operated in breach of 6 of these conditions. These breaches include operating only as a micro-pub, and not a general drinking establishment; only playing background music; open drinks only within designated drinking areas; television broadcasts; no primary food preparation on site, and car parking.
- Conditions on previous application relating to the issues now pivotal in this application, were necessary to protect from harm to local amenity, had those conditions not been imposed, the harm to local amenity and highway safety in particular would have been excessive and would have far outweighed the economic and social benefits. On that basis alone, this current proposal is unacceptable and should be refused.
- Variations applied for are in contradiction to the definition as a micro-pub "a small freehouse which listens to its customers, mainly serves cask ales, promotes conversation, shuns all forms of electronic entertainment, and dabbles in traditional pub snacks".

- The changes proposed by this application have, to a large if not complete extent, already taken place.
- The noise levels created by showing sporting events like this are significantly greater than 75db.
- The applicants hold live music events, comedy nights and weekly quizzes at the premises.
- Failure to restrict drinking to designated areas.
- The bar area has been made bigger with more seating area to accommodate extra patrons, and the shop area made smaller.
- The business already operates as a general drinking establishment.
- Additional outside seating areas, in breach of their original planning consent, and for which they are now seeking retrospective consent.
- Planning and licensing conditions are not enforced and concern that further relaxation would reward non-compliance.
- Concern that applicants continue to apply for retrospective approval after breaching conditions.
- Previous objections and promises (e.g. to remain a micro-pub with limited hours) have been ignored.
- Condition restricting outside drinking after 21:00 must be retained.
- I objected to the original planning application in 2020. I am sad to say many of my reasons for objecting have become a reality.

Impact on Residents and Local Quality of Life

- Detrimental effect on residents' ability to enjoy their homes and gardens.
- Increased stress and sleep disruption for immediate neighbours.
- Some residents considering moving away due to ongoing disturbance.
- Deterioration in residential amenity and community harmony.
- Comments in support are not all from local area and therefore not directly affected by noise and parking issues.
- This is a residential area and respect should be given to those who live close by and who are directly impacted by this business.
- The volume of patrons exceed what the premises and area can comfortably cope with. This consequently means that neighbours in the direct vicinity are inconvenienced with antisocial behaviour, noise, smells and inconsiderate and irresponsible parking. The proposal will only exacerbate these issues.
- Lack of respect to the local residents and area by the proprietors and their patrons.
- At times the operation of the business has made life intolerable, so much so that the owners of the property attached to the business have made the decision to put their home up for sale and move elsewhere.
- Late-night noise and traffic incompatible with residential setting.
- Current hours already represent a fair compromise between business and community.

Character and Suitability of Location

- The business operates in a wholly residential area and is the only commercial site in the vicinity.
- Original approval was intended for a small-scale community facility (microbar and shop), not a destination pub.

- Area's residential and semi-rural character (near the National Park) is being eroded by noise, smells, and traffic.
- Negative impact on enjoyment of private gardens and on local character and amenity.
- Local residents fought hard to maintain the establishment as a "local amenity" however the premises have become a "destination venue" attracting visitors from outside High Salvington.
- High Salvington was a lovely quiet place to live and visit so we don't want any extra noise, smell, and traffic that extended hours and unregulated food vans will bring.

Business Viability
- The business is already successful and profitable, so extended hours are unnecessary.
- Financial accounts show growth and staff increases, undermining claims of hardship.
- Any economic benefit does not outweigh harm to residential amenity and safety.

Process
- I trust that the previous withdrawn applications comments from LOCAL residents will be considered in this application? And the process is not being manipulated?

Officer response: All those that commented on the previous withdrawn application were notified of this replacement application and specifically advised in writing (by letter or email) to resubmit any comments on the new application.

Neutral: 1 representation received on behalf of the High Salvington Residents' Association, as copied below:

'I write as Planning Liaison for High Salvington Residents' Association. The Refreshment Rooms' planning application (in respect of extended opening hours, internal reconfiguration, external seating, etc.) was discussed at a recent HSRA Committee meeting. No particular action was proposed, nor any formal vote taken, but the sense of the meeting, whilst not completely unanimous, was broadly supportive of the Refreshment Rooms, considered to be an asset to the area and the community.

The one caveat voiced, again with broad support, about the planning proposals was that whilst the micro-pub side of the business appears to be more commercially successful than the shop, any changes should not be of any significant detriment to the shop, as the continued existence of a long-established shop in that location was the major peg on which hung the substantial local support for the current proprietors' re-launch of the business a few years ago.

The HSRA Committee members bring to their discussions views partly formed by interactions with their neighbours and others locally, so in general the Committee's views tend to reflect local sentiment as a whole. However, more recently HSRA has received a number of messages from locals (HSRA members) objecting strongly to the Refreshment Rooms' proposals. These have evinced some surprise, as the Committee's sense up to now has been that a good majority of local opinion has

been supportive of the proposals. It is hard to tell how broad the level of opinion behind the 'objection' camp is, but clearly HSRA has to reflect in its stance so far as possible the views of all its members.

There seem to be 2 main topics behind the objections:

1) Parking - anybody local has observed numerous instances of inconsiderate, even dangerous, parking around the premises, both before & regrettably after the yellow lines etc. installed earlier this year. The general public does not behave admirably in this respect, but it is a matter barely if at all under the control of the Refreshment Rooms' proprietors. (Indeed, 1 picture of appalling parking there which was widely circulated took place when the business was shut for a few weeks of building repairs earlier this year.) Short of closing the business, which few would advocate, this problem will persist, and it seems unlikely that the proposed extended opening hours would affect that more than marginally. What would address the problem though is a degree of enforcement of the parking restrictions already in place.

2) Noise - from personal observation of the Refreshment Rooms in action, and personal knowledge of live entertainment operations, I find it hard to believe that noise levels either of customers' conversation outside or of live music sometimes put on there, could approach nuisance levels. The venue is just too small to permit anything but the smallest of acts (just solos or duos) with the most modest of amplification. I would suggest that the best approach to this issue would be to get an EHO with a noise meter to take volume readings.'

Relevant Planning Policies and Guidance

Worthing Local Plan 2020-2036:

SP1 (Presumption in Favour of Sustainable Development);
DM5 Quality of the Built Environment;
DM8 Planning for sustainable communities / community facilities;

Supplementary Planning Document 'Sustainable Economy' (WBC 2012)

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 73 of the Town & Country Planning Act (as amended) that applies to applications for planning permission without complying with the conditions subject to which a previous planning application was granted. On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a)if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b)if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

Section 73A of the Town & Country Planning Act (as amended) for that part of the development carried out before the date of the application.

Save that a part of the development has commenced, the Committee should consider the planning circumstances existing at the time of the decision in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) provides that 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

Principle

The site is not within any designated shopping area but serves as a local facility for the residents of High Salvington. The application relates to amendments to the existing planning permission AWDM/1079/20 granted in 2020 for mixed use of the site as a micro-pub, village shop and hairdressers/barbershop. There is no change of use proposed by the current application and consideration is limited to the following amendments;

- extended opening hours
- the provision of live music,
- provision of a television,
- provision of pre-prepared food,
- parking for a mobile food van on the forecourt and
- retention and construction of external canopies above the extended external seating areas.

There is no objection in principle to the proposed amendments and additions to this established business use, ensuring the retention of this important mixed use premises, including retail and daily provisions, which would continue to serve the surrounding community. The key considerations are the effects on the visual and residential amenities of the locality, the impacts associated with the siting of mobile food vans and any impact on highway safety, resulting from the proposed amendments.

Parking for Mobile Food Vans

A single food van is parked at the site up to four times a week, which may be a different trader on any of these days. Approval is required for use of the parking space as this differs from the parking plan which was approved under the original planning permission. The van can be regarded as partly ancillary to the use of Salvington Stores, but it can also be used by customers who are not necessarily customers of the Stores and therefore it is reasonable to consider any additional impacts associated with it.

It is important to note that mobile food vans are also subject to separate legislation (outside of the remit of planning permission) that controls certain elements relating to their use. All mobile food vans must be registered as a food business with their local authority (which might not be Adur & Worthing Council). The relevant Authority will carry out the necessary hygiene checks and requirements for each individual van. Cooking odours from mobile food vans cannot be controlled through the planning application or by Environmental Health but could be investigated as a 'Statutory Nuisance' if issues of this nature were to arise. As the vans are not parked on the road, a Street Trading licence is not required and there are no restrictions in this respect for Salvington Hill. A Local Authority licence is only required for the sale of hot food after 23:00hrs which does not apply to the current proposal.

Condition 12 of the original planning application prevents primary cooking on the premises and was imposed to protect residents from associated impacts (such as odours or potential noise from extraction/ventilation) that may result from a more intensive use of the building if primary cooking were a permanent element of the business. The same condition does not however apply to mobile food vans due to their temporary/mobile nature and for this reason the council cannot impose restrictions on the type of food available or require ventilation/extraction for these vans.

However, due to the location of the mobile food vans being parked within the site boundary, some controls can be imposed in relation to serving hours and the frequency of use of the parking space for mobile food vans. It is intended therefore to limit the frequency of visits to a maximum of 4 per week, between Thursday to Sunday with serving hours to finish at 21:00hrs (18:00hrs on Sunday/bank holidays). These measures are considered appropriate in context with its primarily residential location, to mitigate the impact on local residents.

The proposed parking for a mobile food van does not reduce the number of spaces approved by the original application or preclude access or egress to the private parking of any nearby residential properties and therefore would not detrimentally affect the amenity of neighbouring residents.

Some of the representations received refer to the unattractive appearance of the food vans, their signage and the impact on the character of the area. The vans frequenting the site are of typical appearance for a mobile food van (typically a van, trailer, converted horsebox, etc.) and by their very nature of being mobile/temporary do not have any permanent impact on their surroundings and therefore are not considered to have any significant adverse impact on the visual amenities of the locality. The physical appearance of the food vans or display of temporary signboards are not matters that can be controlled by this application, nor would the

council seek to control these elements, due to the lack of impact resulting from these aspects.

Visual amenity

The only changes to the exterior of the building are the existing and proposed canopies to the front of the building. The existing canopy is a lightweight, open-sided structure that retains views through to the main building frontage. The metal frame in dark grey reflects the dark window and doorframes of the existing building. The existing and proposed canopy additions are considered appropriate in context with the commercial use of the property and would not dominate or detract from the character of the building or its wider setting.

There would be no significant adverse impact on the visual amenities of the locality as a result of this application.

Residential amenity

The closest residential properties are No.33 Furze Road, attached to the west side, the flat above the premises, No.35 further to the west side, 'Eskdale' to the south, No.31 Furze Road and No.96 Salvington Hill across the road to the east and 'Honeysuckle House' and 'The Cottage' across the road to the north. Other residential properties close to the site also have the potential to be affected by the proposed amendments.

Salvington Hill Stores is located within a residential area and it is recognised that the proposed extended opening hours, television and live music provision have the potential to increase the risk of noise and disturbance to local residents. The above changes apply to the inside of the premises only and would therefore have limited impact in terms of noise and disturbance. There would be no change to the hours of use of the external seating areas (currently permitted until 9pm Monday to Saturday and 6pm on Sunday and Bank holidays). Television and live music would not be permitted outside or within the designated external seating areas.

Existing conditions on the original consent imposed to protect residential amenity will continue to apply, including; the more limited hours of use for the external seating areas, the display of clear signage on all exits requesting customers leave quietly, bottle disposal restricted to daytime hours (between 07:00 and 20:00hrs) and the requirement for doors and windows to be closed after 21:00hrs (other than for normal access/egress). Condition 6 of the original consent requires that: *Only unobtrusive ambient/background music shall be played within the premises within opening hours. For this purpose the music noise level shall not exceed 75dB (LAeq15min) anywhere 1m from any speaker inside the premises.* This condition will continue to apply and will include the proposed television within this noise limit but will be updated to include: *At all times other than during live music performances…* A new condition imposing restrictions on live music will be imposed controlling this aspect of the proposal (as specified below).

To further protect local residents from the impact of these changes additional conditions are proposed including, restricting live music to between the hours of 12.00hrs to 21.00hrs Friday & Saturday and 12.00hrs to 18.00hrs on Sundays and Bank Holiday/Public Holidays. Live music would be indoors only, with no bass or drums permitted and all doors and windows to remain closed during performances (except for access and egress). Environmental Health were asked to confirm whether such a condition would be considered reasonable in hot weather and their response was *'It is not unusual to ask for doors and windows to remain closed except for access and egress. If they are too hot inside then it is up to the premises to identify a method of cooling that also complies with this condition'.* These measures are considered to protect local residents from any significant increase in noise or disturbance resulting from these amendments.

The extended opening hours relating to the micro-pub and shop (amounting to 1 additional hour on a Thursday, Friday and Saturday and 3 extra hours on a Sunday and Bank holidays), and the provision of live music and television limited to inside the premises only, together with the additional controls being imposed (in relation to live performances and television) are are not considered to significantly increase noise or disturbance to local residents or result in significant harm to amenity in the locality.

The premises have been successfully operating since opening in 2022 with no recorded complaints relating to noise being received by the Council. To further protect residents from noise (particularly those elements introduced by this application), a Noise Management Plan has been submitted to support the application and details how the proper monitoring and enforcement of opening hours, conditions and the behaviour of patrons will be managed. This would also help to manage and alleviate any excess noise resulting from customers leaving the premises, slamming cars doors, etc.

The extended hours for the hairdressers/barbershop are not considered to have any adverse impact on residential amenity.

The internal area of the premises has not increased and the floor space for the micro-pub, village shop and barbershop/hairdressers remains the same as originally approved. Condition 5 of the original permission requires the retention of a mixed use (including retail) on site and there is no change in this respect. The small scale of the premises, that accommodates a micro-pub, barbershop/hairdressers and village shop (which provides daily essentials such as bread, milk and newspapers) and its dual use as a cafe, meeting and social space, complies with the designation as part micro-pub, rather than a general drinking establishment and complies with the existing condition (5) in this respect.

The designated external seating area has been altered slightly and increased by 2m2, defining two distinct areas either side of the entrance, at the front of the property. The existing and proposed canopies extend over these designated areas providing protection from inclement weather. The very minor increase in the size of this area does not result in a significant change to the space available for customers outside. The structures would not result in any overshadowing or oppressive impact

on neighbouring properties or undermine the restricted hours of use of this area and therefore would not have any detrimental impact on residential amenity.

Neighbours have highlighted issues with open drinks consumed outside the designated seating area, on the wall and at the bus stop. Open drinks bought at the micro-pub are not permitted outside of the designated areas and this is enforced by the applicants and controlled by condition 7 which states: *Open drinks are only permitted inside the premises and outside within the external seating area in accordance with the specified opening hours for these areas and are not permitted beyond the external seating area or on the public pavement at any time.*

This condition will continue to apply to the current proposal.

The provision of pre-prepared food such as sausage rolls, sandwiches, cakes etc. would continue to comply with the current condition preventing primary cooking on site and is included in this report for clarity only. The heating of such goods using heated cabinets is permitted under the existing condition and does not require extraction/ventilation for this purpose. There would be no adverse impact on local residents in relation to food odour, extract or noise from this provision.

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. Subject to the controls stipulated above, it is considered that the amendments proposed to opening hours, live music, television, pre-prepared food provision, parking for a mobile food van and the addition of external canopies, could take place without giving rise to unacceptable detriment to the amenities of neighbouring residents.

Accessibility and parking

The current parking provision consisting of 4 general spaces and 1 residential space for the flat above, as approved under the original application, would be retained. The only change to the parking layout is the addition of a parking space for parking of mobile food vans (subject to restricted hours) adjacent to the enclosed residential parking area. Parking for the food van is not a permanent requirement and would be used on an ad-hoc basis and does not diminish parking provision or inhibit access/egress to, from or within the site. Access to and from the site would remain as existing and no changes to this are proposed.

WSCC Highways concluded that, whilst an increase in movements would be expected during the extended hours, this would be outside of network peak times and given the scale of the operation on-site, it was not anticipated to give rise to an adverse highway safety or capacity impact. There was no requirement for increased parking in relation to the extended opening hours and there are no highways grounds to resist the proposal.

In response to representations relating to illegal or dangerous parking in this location, WSCC confirmed that *'Whilst this is not a material consideration for the proposals sought, any illegal parking could be dealt with as an offence under Section 22 Road Traffic Act 1088 (Leaving vehicles in a dangerous position on the road*

including verge), and Section 137 Highways Act 1980 (Wilful obstruction of the free passage along a highway). Both of these acts are enforceable by Sussex Police.'

Further confirmation was also sought from the Council's Parking Services Manager in relation to parking enforcement in this location who confirmed the following data for Salvington Hill:

- Since January 2023 to date we have visited 302 times, observed 12 vehicles resulting in 7 penalty charge notices being issued.

They also provided the following details for residents wanting to report parking contraventions:

> *If residents observe vehicles parked in contravention of the no waiting restrictions to report this directly to NSL Services (The councils parking contractor) on 0345 680 0189 and select option 3 and to leave a message on the answerphone detailing the location and details of the vehicle. The team will then pick up the voicemail and send an officer to the location.*

Illegal or dangerous parking by members of the public are outside the control of the Refreshment Rooms and beyond the scope of this application and should be reported directly to the relevant Authorities in this respect.

Sustainability

The proposed amendments would facilitate the continued use of an established business within the community, providing services to local residents through the retention of the village shop and hairdressers/barber shop reducing reliance on vehicular travel for these day to day services.

The site is within a sustainable location, accessible by public transport with a bus stop outside and access for cyclists and walkers in and around the area including the nearby South Downs National Park.

Conclusion

Approval of this application would re-issue the original planning conditions, re-using the original numbering but with alterations to the wording as appropriate to update policies to those of the Worthing Local Plan 2023 and to reflect changes in legislation such as the The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, that came into force since the previous decision. New conditions 13 and 14 are recommended to control live music and frequency of visits, hours of trading by mobile catering vans/vehicles.

- Condition 1 - updated plans
- Condition 2 - left blank
- Condition 3 - updated parking plan
- Condition 4 - amended to allow the extended hours of use
- Condition 5 - updated wording to reflect changes to Use Classes legislation
- Condition 6 - amended to include noise limit for TV

- Condition 7- no change
- Condition 8 - no change
- Condition 9 - updated to require doors/windows to be closed during live music/tv broadcasts in addition to after 21:00hrs
- Condition 10 - amended to allow TV broadcast inside premises only
- Condition 11 - updated to specify hours of bottle disposal/collection
- Condition 12 - retained as existing but food preparation removed
- Condition 13 - new condition to restrict hours/days live music, inside only, no drums or bass
- Condition 14 - new condition to limit frequency of visits by mobile food/ catering van/vehicle to no more than 4 times per week, service to finish at 9pm Thursday to Saturday and 6pm on Sunday/bank holidays

Recommendation: **APPROVE**

Subject to Conditions:-

1. Approved Plans
2. Left Blank - (previously approved time limit)
3. Car parking retained (including for mobile food van)
4. Opening Hours (as extended)
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