Development Control – Delegated Officer Report

Application Number: AWDM/1884/16 Recommendation – APPROVE

Site: 54 Goring Road, Worthing

Proposal: Change of use from Use Class A1 (shop) to Use Class A4 (drinking establishment) micropub with installation of refrigeration unit to rear (north) elevation.

Date of site visit: 19.12.2016

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application site is located on the northern side of Goring Road and comprises a vacant ground floor unit which was most recently occupied by a men's clothing shop. A residential maisonette is located within the two floors above the unit as is the case with the others in the row. There is a funeral directors located in the ground floor unit to the west and a fast food takeaway within the ground floor unit to the east. Other units within this group of shops include a mortgage company, three banks, an opticians, a will writing service and an Indian restaurant/takeaway.

Vehicular access and associated parking for one vehicle is obtained to the rear of the premises via Goring Road through the gap between the No's 52 and 54 Goring Road. Beyond this service road the area beyond the Goring Road shopping parade is primarily residential with purpose built blocks of three storey flats located directly to the north.

This application seeks full permission for the change of use of 54 Goring Road, from Class A1 retail shop, to a 'micro pub' which falls into class A4. The internal layout of the shop will be re-arranged providing the approximately 7 tabled in the front and middle section of the unit and a small bar towards the rear of the unit. A cool room would be formed in the position of the existing changing room, another WC would be provided behind the existing WC and the existing office would be adapted to provide an office/small kitchenette.

An external refrigeration unit would be attached to the single storey section of the building to the northern rear elevation. The external unit will measure 700mm in width, 521mm in height and 250mm in depth. An internal cooling unit would also be positioned adjacent to the easterly internal wall in the newly created cool room.

The supporting information submitted with the application states 'A micro pub although falling within the A4 use class, is not a standard pub but is rather more like a traditional alehouse, providing a relaxed and sociable atmosphere for a

comparatively small number of customers.' Unlike more traditional micro-pubs which only sell ales the proposed micro pub would extend sale to craft ciders and wine along with cold bar snacks such as pork pies, sausage rolls, crisps and pates which would be sourced from the shops on Goring Road. The proposed use would however confirm to the micro pub model with no amplified music or gaming machines, no keg lagers, alcopops or mass produced drinks.

The proposed hours of use are 11.00-22:30 Tuesday to Saturday and 11:00-22:00 on Sundays.

The Goring Road shopping parade is well served by buses providing access to the local area. Durrington railway station is also located to the north-west and within walking distance to the application site.

Relevant Planning History None relevant

Consultations

West Sussex County Council have raised no objection to the application and have made the following comments:

"The change of use will attract visitors at different times of day to the existing use, and all will be travelling to the pub on foot via the large pedestrian footway directly outside. Parking is available on street on Goring Road and in the street surrounding the shopping area. Some parking restrictions are in place during specified time periods but overall should customers travel by car there is provision for parking.

The site is also located within walking distance of the local train stations at Durrington-on-sea and West Worthing, and is located on the main route used by the 700 coastliner bus service and other local services, making the site very sustainable.

Deliveries will be small and regular and an area at the back of the shop can accommodate these. It is also considered sustainable as the use of local shops for snacks will keep deliveries to a minimum and put something back into the local businesses."

Adur & Worthing Councils:

The ***Environmental Health Officer*** comments:

Nuisance/Noise

"As there are residential units directly above, noise from the operation of the business into the evening could affect residential amenity. Therefore I recommend enhanced sound insulation is provided to the ground and first floor separating ceiling to achieve a level of 50dB Dntw+ctr. This can be secured by condition as follows.

Construction work shall not commence until a scheme for protecting the first floor flats from noise from the ground floor unit has been submitted to and approved by the local planning authority. The scheme shall be designed to achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB). All works which form part

of the scheme and a test to demonstrate compliance with this standard shall be completed before the business opens for trade.

Furthermore I note that the beer cellar (room) will house a chiller unit. It is important that that all pipework fixings related to this use resilient (anti-vibration) mounts in order to minimise noise transmission through the structure. Again this could be secured by condition.

Finally I note the application seeks opening until 23:00. I recommend that the hours are restricted to 22:00 hours in order to protect nearby residential amenity from noise (that is noise from smokers and people arriving and departing).

Food hygiene, provision of sanitary accommodation and refuse storage

There are a number of issues that will need to be confirmed or resolved with the applicant if the application is successful. However these issues do not require an objection to be made. These issues will be raised separately with the applicant in order to ensure that compliance with legal requirements is met should the application be successful.

Smokers

Option 1 - placing a bench on the pavement outside may require permission from WSCC Highways.

Any area provided for smokers should not be adjacent to openable windows and doors."

Sussex Police have raised no objection to this application and have made the following comments:

"From a crime prevention perspective I recommend that the present external doors, and ground floor and any easily accessible windows are checked to ensure they are adequate and fit for purpose, with locks conforming to BS 36221 /8621 respectively. Cash handling arrangements will be required for the storing of monies on the premise in safes and will be of great importance. Additionally, I recommend the fitting of a monitored intruder alarm at the premises.

The NPT have no concerns over the application however there were some contradiction in opening times from the application form and the Design and Access Statement (DAS). However the timings given within the DAS are deemed to be acceptable. The applicant and their partners are strongly advised to consult directly with Police Licensing at Sussex Police before making plans for licensed premises serving alcohol or conducting other licensable activities at this site."

Representations:

14 representations of support have been received from residents living within Worthing.

The grounds of support are:

- the micro pub is unlikely to be frequented by other younger drinkers and is more likely to be used by middle aged/older drinkers
- other pubs are closing and it is important to make it easier for premises like this to open
- will provide a welcome alternative amenity to the area
- the area only has 1 other pub which is mainly a restaurant so will provide a welcome resource
- will bring the local community together
- other such establishments have been very successful and operate without detriment to the area
- by definition micro pubs are quieter than normal pubs
- parking in the area is good

1 letter of representation has been received from the occupier within Eleanor Court to the north who has raised a queries relating to the installation of the refrigeration unit to the rear of the building and the area for smokers. No further letters of representation has been received from the neighbouring occupier following the Planning Officers response to these queries.

Relevant Planning Policies

Saved Local Plan policies (WBC 2003): RES7,
Worthing Core Strategy (WBC 2011): Policies 6 & 16
National Planning Policy Framework (CLG 2012)

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

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

Planning Assessment

Principle

The application site is within a District Centre as identified within policy 6 of the Core Strategy where development is required to meet local needs, is of a scale appropriate to the centre and will not adversely affect the vitality or viability of other nearby centres.

Having regard to the above, it is not considered that there is any policy objection to the proposed micro-pub use, which would serve a niche market, in keeping with the character of other small-scale, commercial uses in the area.

Visual amenity

The shopfronts in the immediate location are varied in design. The application building consists of two projecting glazed shop fronts with a recessed central

entrance door with wooden frames and a canopy overhanging the front window. The proposed alterations to the external frontage of the property would involve changes to the advertisements which may require separate advertisement consent.

The external refrigeration unit would be attached to the brickwork on the single storey section of the building to the rear and would only be viewable from the access road directly to the north of the building. The rear aspect of this parade of shops contains other extractor fans and refrigeration units and being located at the rear it is not considered that the proposed refrigeration unit would not cause any harm to the visual amenities of this shopping parade.

Residential amenity

There is a recognised potential conflict between residential uses and drinking establishments (Class A4) which can give rise to noise and disturbance through late night activity as well as anti-social behaviour. The nearest residential properties are located in the maisonette above the unit itself, the neighbouring flats to the east and west and the block of three storey flats to the north.

Micro-pubs are typically small in nature, sell traditional ales and have limited space for a bar thereby relying on table service. The proposed layout plan shows a bar at the end of the unit and approximately 7 tables which could equate to approximately 28 people with further room for people standing. At this scale and including the sale of other craft ciders and wines it is questionable whether the proposed use could fit into the 'micro-pub' category. However, it is acknowledged from the supporting information that the Applicant wishes to adopt the 'micro-pub' ethos aimed at a specialist market with restricted opening hours, no amplified music or gaming machines, no keg lagers, alcopops or mass produced drinks.

The application site is located in a well-established District shopping parade within a row of A-class uses where there are a number of other restaurants and takeaways which open later into the evening. The proposed use would give rise to some noise through activity, but there are already other uses in the row which either cause, or have the potential to create, activity in the immediately surrounding area. It is therefore considered that the proposed use maybe acceptable subject to some mitigation measures to protect the closest neighbouring occupiers from any harmful noise or disturbance.

Given the position of the maisonette directly above the ground floor unit, the Council's Environmental Health Officer considers that enhanced sound insulation should be provided to the ground and first floor separating ceiling. Taking into account the nature of the area and the increased sound insulation measures it is considered difficult to resist the application on the grounds of noise and disturbance.

As identified by Sussex Police and the Council's Environmental Health Officer there is a discrepancy between the proposed opening hours indicated on the Design & Access Statement and the Planning Application form. The Applicant has requested as part of this application that opening hours should be to 23:00 hours to allow maximum flexibility and that customer demand will dictate future opening hours. Given the proximity of residential properties, it is not considered that opening hours

to 23:00 hours could not be justified at this stage and that a condition should be imposed to restrict the opening hours to 22:00 hours. It would therefore be open to the applicant to apply to submit an application to vary the condition should he wish to pursue this.

Supporting information indicates that micro pubs usually operate without nuisance but this would depend on various factors and Officers feel that this could only be properly assessed once the premises was open. A balance needs to be struck in order protect to the amenities of neighbours as well as supporting a new local business, the latter aim of which is supported in both local and national planning policy. To that end, it is also felt reasonable to restrict the use of the premises to a micro pub as distinct from other types of drinking establishments within the broader A4 Use Class since a further change of use without the need for planning permission could give rise to greater nuisance.

A technical specification and additional information has been submitted in relation to the external and internal refrigeration/cooling units that would be installed to the rear of the unit. The Council's Environmental Health Officer has raised no specific concerns regarding the units and their associated noise levels, yet has requested that all pipework fixings relating to the internal cooling unit be resilient (anti-vibration) mounts in order to minimise noise transmission through the structure to the neighbouring properties.

The Applicant has identified two options for accommodating customers that smoke, providing a bench and cigarette bin to the shop frontage on the pavement or within the small space to the rear of the shop which would provide a logistical problem for customer access through the office/kitchenette. The provision of a permanent bench structure/seating area in the entrance foyer or on the pavement outside the shop frontage is unlikely to be supported by the Council on visual amenity grounds as this would alter the appearance of the existing shop frontage within the shopping parade. However, smokers would still be able to stand outside the front of the micro-pub on the pavement as other users of take-aways and restaurants would currently have to do. A condition added to this recommendation will require a management plan to be submitted detailing measures to deter smokers in connection with the proposed micro-pub use from causing nuisance to adjoining residential and commercial occupiers including details of receptacles and the procedures in place for collecting discarded cigarette butts.

Accessibility and parking

There is access and a parking space to the rear of the premises which would provide enough room for a small delivery vehicle and it is not anticipated that the number of movements would be significant. The County Council does not consider that there are any reasons to resist the proposal from a highways perspective and accordingly there are no grounds to object to the proposal on highways grounds.

Recommendation

APPROVE

Subject to Conditions:-

1. Implement use in accordance with approved plans
2. Standard 3 year time limit
3. There shall be no food preparation, primary cooking or serving of hot or cold food to customers on the premises (other than pre-packaged bar snacks)
4. Restrict opening hours to between 11:00 - 22.00 Tuesday to Sundays and Bank Holidays
5. There shall be no amplified or live music played or TV broadcast on the premises
6. Agree scheme of sound insulation between ground and upper floor uses
7. All pipework fixings associated with the internal cooling unit shall be resilient (anti- vibration)
8. Notwithstanding the General Permitted Development Order 1995 as Amended Town and Country Planning Act 190 As Amended no use other than micro pub except by grant of separate planning permission by the Local Planning Authority
9. No tables, chairs or benches on the entrance foyer or front forecourt
10. Management plan for smokers
11. No Gaming Machines on the premises

Informative

1. Proactive Statement – Approval (no amendments)
2. Advert Consent Maybe Rqd
3. Sussex Police Advisory

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

Case Officer: Rebecca Tier Date: 13.02.2017

Authorised by: Jo Morin Date: 13.02.2017