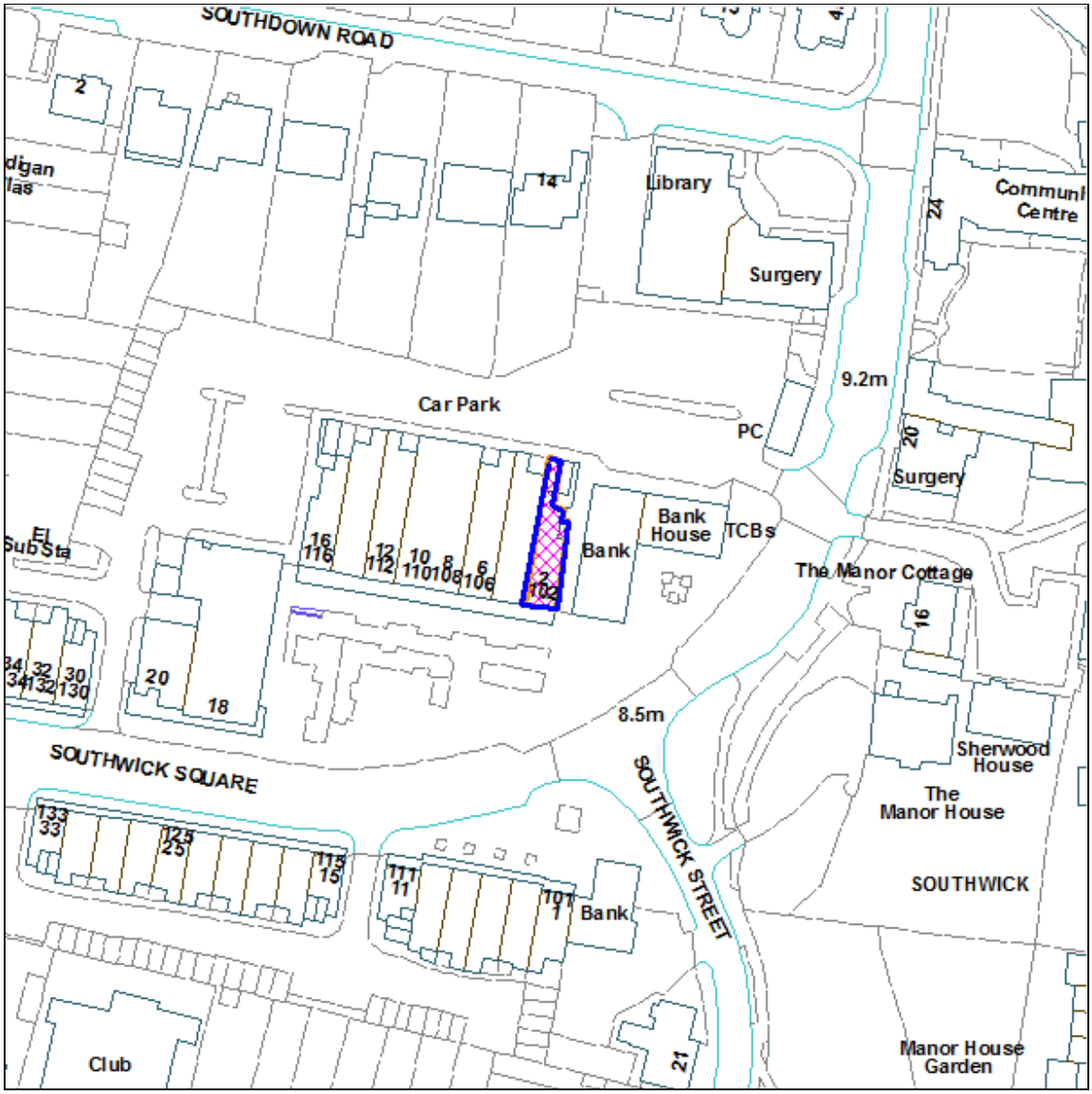
Application Number: AWDM/0107/18 **Recommendation – APPROVE**

Site: **2 Southwick Square, Southwick**

Proposal: **Change of use from retail (A1) to micropub (A4).**

Applicant: **C Warner** **Ward:** **Southwick Green**
Case Officer: **M.O'Keeffe**



Not to Scale

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Proposal, Site and Surroundings

This application relates to a vacant retail shop in a primary retail frontage in Southwick Town Centre. It is in the ownership of the local authority. It is an end of terrace unit on the north side of Southwick Square. Carters electrical store and Kamson chemists are to the west with the Co-op store beyond these. To the east is a public footpath beyond which is Barclays Bank which has two floors of offices above.

This parade of shops are set back behind overhanging front canopies and have two floors of residential accommodation above. The shop is 18 metres in depth (excluding WCs) and 5.3 metres wide. The flats sit above the canopies and for about the first 5 metres of the depth of the shops only. They are accessed from a rear staircase behind the application site and have a deep platform frontage, at least 13 metres in depth, which extends to the road at the back of the site. This parade of shops is set back from the road behind a formalized planting and seating area. To the rear of the site is a small yard with access to a rear road and public car park.

Planning permission is sought for change of use to a micro pub. The applicant intends to sell beer and gin only, largely locally sourced. No primary cooking is proposed on site but cold food such as sausage rolls and sandwiches may be sold. As advised on site the opening hours sought are Noon until 11pm Monday to Thursday, Noon until 11.30pm on Fridays and Saturdays and Noon until 8pm on Sundays. The applicant advises that he may not open on Sundays or Mondays. A recent License application saw licensing hours of 11am to 11.30pm 7 days a week granted with the sale of alcohol up to 11pm.

Internal alterations to the vacant unit include the creation of a 2nd WC in the space of the existing kitchen. The creation of a new kitchen/office. The installation of a fixed bar at the back of the main shop area and the installation of a window into the beer storage area.

The site is not in a conservation area and the building is not listed.

Extract from Applicant's supporting Statement:

'Our clients aim is to source 95% of what they sell from within a 30 mile area around the site. The micropub is a family business, run by a husband, wife and son team and employing local people from the local community. The applicants do not intend to carry out any brewing on-site.
Employment on site can be summarised as follows:-
Full time: 2 (potentially increasing to 4 persons)
Part time: 3 (potentially increasing to 3 persons).
Although hours of operation are currently not confirmed, our client's licencing application is to operate each day from 12.00 – 23.00, with a 23.30 close. This is in-line with the other traditional existing pubs that are situated local to the application site.

5.0 OVERVIEW OF A MICROPUB
Following the demise of the local/traditional pub over the last 5 years (which are commonly being replaced by the pub/dinner/restaurant), with the support of the

Campaign For Real Ale (CAMRA) there has been the creation of 'micropubs'. A micropub differs from a traditional public house in several ways.

1) Most just serve real ale and real cider in the traditional manner straight from the cask.

2) Micropubs sell selected spirits such as high-end Gins, but no shots, cocktails or alcho-pops.

3) The opening hours are shorter with the main clientele being the more mature adult drinker who is looking for locally produced products. This enables the proprietor to support both local businesses and give the loyal customers the service and product they want.

4) Micropubs don't sell food other than traditional bar snacks, and maybe sausage rolls, scotch egg, and similar hand-held products. The focus is squarely on good quality beverages.

5) Micropubs attract a steady following of people from both local and out of area drinkers looking to try new micropubs and beers.

6) The emphasis is on the beer/cider available and the constant changing list of beers a micropub serve giving the customer reason to keep returning.

7) Micropubs have increasingly found themselves becoming the hub of the community with all walks of life, ages and both male and females feeling comfortable to come in alone and have a quite drink and a chat with likeminded people or just read a book.

8) All Micropubs are true "free houses" enabling them to buy direct from the local breweries and thus cutting down on the huge mark ups the pub cos add to the tied pubs. Micropubs can buy from any brewer anywhere in the UK.
A micropub is a football free zone most of the time. There are no pool tables or fruit machines either. Some Micropubs do have a bar billiards table, again trying to help save the traditional pub games from old.

The micropub customer base is very large as it encompasses both young and old drinkers alike. With the two biggest growths in the drinks industry for the last 6 years being real ale and real cider. Many of the new breweries are what are called "microbreweries" which are just small batch producers who sell if possible to the nearest Micropub. Without the micropubs the microbreweries would never make it to full scale, albeit small, breweries. If you were to google Sussex microbreweries you would find a long list of them; and one of the country's most popular and vocal breweries is Sussex based Burning Sky, who are just 4 years old.

Most micropub customers could be more classed as wine tasters rather than drinkers in so much as they are more likely to try half of all available beers/ciders per visit then sit and hold one pint per hour. Micropubs do not tend to attract younger drinkers (aged 18 – 25 years). The reason for this is that they simply do not stock or sell Shots, lager, or any other products that will appeal to this group.

A Micropub is a simple but well proven concept which needs far less capital to set up and run. Micropubs use shops rather than big old-fashioned pubs. Inside the shop a chiller room is built around 3 x 2 meters in size, which replaces the need for a cellar. Inside the chiller room is a chiller unit which keeps the beer in casks at the correct temperature. The customer can view the casks through a window and the product is served direct from the cask to the glass in the same way it was always done before pumps came along. This makes the product more natural, which adds to the popularity.'

Relevant Planning History

Various for replacement shopfront and adverts over the years.

Consultations

Adur & Worthing Councils: The ***Environmental Health*** officer:

'The supporting statement cites the licence application for the premises which suggests that they are looking for opening hours until 11:30pm. The licence application also states that they are looking to accommodate up to 70 patrons.

I am aware that planning and licensing are totally separate regimes and should be considered on their own merits. Planning looks at the suitability of that land use whereas licensing is intended to regulate that land use. Looking at the suitability of the proposed land use I would point out that there is insufficient toilet provision for up to 70 patrons. I have attached the legal requirements for toilet provision to this representation. Based on the toilet provision it would be necessary to limit patrons unless toilet provision is increased.

I also have concerns that noise from the use may impact residents in the flats above, particularly late in the evening. I would require that the current sound insulation between the commercial and residential property is assessed and if necessary improved. This can be done by condition. Hours of use will have to be considered if the condition below cannot be met but I will leave this open to negotiation when we have all the facts. In such an event It could be that other conditions such as; the prohibition of music, live or amplified, would be appropriate.

Air con looks OK.

A sound insulation scheme shall be submitted to protect the residential property above the proposed drinking establishment. The scheme shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB). Following implementation of the insulation scheme, a test shall be undertaken to demonstrate that the attenuation measures carried out has achieved the minimum airborne sound insulation criteria. The use of the development shall not commence until test results, demonstrating the minimum sound insulation criteria has been achieved, has been submitted to and approved by the local planning authority. Where it is not possible to reach this level of sound insulation then the hours of use for the establishment shall be curtailed to..

'The applicant is having the sound insulation upgraded and if the subsequent tests demonstrate that he has met the higher noise attenuation requested then I would have no problem permitting the hours he has requested in his licence. Which would be sales of alcohol until 11pm and the premises being closed to the public by 11:30pm which would allow 30 minutes drinking up time. I would have no problem with adding 30 minutes after closing time to allow staff to cash up, wash glasses and undertake any other necessary tidying.

He has not requested any entertainment in his licence application, that said changes to licensing legislation means he would not need a licence for recorded or live music upto 11pm given the customer capacity of the premises. I would condition music in case any future occupier of the premises has different ideas. The condition should only permit unobtrusive background music. If customers have to raise voices to be heard over the music then it is not background. Let me have a chat with Nadeem and I can set a noise level for any background music for you.'

West Sussex County Council:

'This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

I refer to your consultation in respect of the above planning application and would provide the following comments.

The change of use from a shop (A1 use) to a Micropub (A4 use) will attract custom at differing times of day to the existing use.

<u>Summary</u>
The proposal is to change the use of this site from an A1 shop use to an A4 Micropub use. Previously permitted uses at this site also include a mixed use A3 (restaurant café) A4 (Drinking establishment) and A5 (hot food) who's license operated on a similar scale to the proposed. This previous use was permitted 4 years ago and functioned with no known or recorded highways safety concerns.

<u>Access and Parking</u>
Deliveries are anticipated to be small and regular and the existing servicing area at the back of the shop can accommodate these as has served the other commercial uses.

Customers are anticipated to be travelling to the pub on foot using the large pedestrian precinct fronting this unit. Parking is available in the public car park to the rear; this currently operates on a Pay and Display arrangement. On street parking is available on the network surrounding the shopping area, parking restrictions are enforced along Southwick Square which restricts parking to an hour maximum between the hours of 8am and 6pm and disabled parking is also available in the vicinity. These restrictions would apply too to staff working at the Micropub, there are sustainable alternatives however to the use of a car in the vicinity of the site. The application form states that there is the opportunity for 4 full time and 3 part time staff to be working at this location, the LPA may wish to monitor any overspill parking generated by this use on the wider

network however the LHA does not anticipate this would alter materially over previous uses at the site.

Sustainability
The site is sustainably located in an existing commercial area within Southwick. The site is also located within walking distance of Southwick train station which offers services to Portsmouth, Brighton and London. Furthermore the site is located on several bus routes including the 60 and 46 bus routes to Portslade, Hove and Brighton.

Capacity
It is considered that many trips may be combined trips for use of the commercial shopping units and the Micropub which would not give a material rise to vehicular movements in this location. It is not anticipated that this change of use would generate a severe increase in vehicular movements to this location.

Conclusion
Based on this consideration, the LHA raises no objections to the proposal for the change of use to a Micropub.'

The ***Waste Services*** Officer: No objection.

Planning Policy comments:

'The site lies within Southwick town centre and Southwick Square's primary retail frontage; as such policies 27 and 12 apply.

Policy 27 supports town centre uses within the Southwick town centre boundary subject to compliance with other policies.

Policy 12 allows A4 uses where they would not have an adverse impact on the vitality and viability of Southwick town centre. The proposed use is likely to attract users to the centre, particularly in the evening, therefore extending the hours of activity in the retail centre. I understand also that the unit is currently vacant.

Policy 15 refers to the need for development not to have an unacceptable impact on adjacent properties, and the need to create a safe and secure environment.

As long as you are satisfied that these requirements are met, there is no policy objection to the principle of change of use.'

Estates:

'From an estates management point of view, the Property Team does not have any objections to the application.

The proposed change of use should help to enhance the offer on the parade, provide more footfall for the shops and help the evening trades, such as Tosca and Ali Baba. Furthermore, the neighbour's and Environmental Heath dept's comments are noted and

we shall work with the prospective tenant on these points when working through lease negotiations.'

Representations

Representation from resident above.

'We live in the flat directly above the premises and have a young baby. We are concerned about noise late in the evening impacting on our little ones sleep. We found there was some noise when the travel agent was in business (the sound of voices and phones ringing) but as that was only during the day it was less of an issue. While we don't have an objection to the micro pub itself, we wondered if it would be possible to amend the opening hours so that he micro pub closed earlier in the evening, reducing the amount of late night noise that would be occurring.'

One letter from a Brighton resident supporting the provision of a quality micro pub for Southwick.

Relevant Planning Policies and Guidance

Adur Local Plan 2017 policies 1, 2, 12, 15 and 27
West Sussex Parking Standards and Transport Contributions Methodology (WSCC 2003)
National Planning Policy Framework (March 2012)
Circular 11/95 'The Use of Conditions in Planning Permissions' (DoE 1995)

Relevant Legislation

The Committee should consider the planning application in accordance with:
Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and
Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

Principle

The principle of change of use is acceptable where it will not harm the vitality or viability of the town centre or cause harm to residential amenity.

<u>Vitality/Viability</u>

This vacant unit is within a primary retail frontage of Southwick town centre. Policy 12 of the Adur Local Plan states that:

'Within the primary frontage of Southwick town centre (as shown on the Policies Map), A1 (shop) uses will be supported. A2 (financial and professional services), A3 (food and drink), A4 (drinking establishments), A5 (hot food takeaways) and appropriate D1 (non-residential institutions) uses will also be permitted where they would not have an adverse impact on the vitality and viability of the town centre.'

There are no pubs or wine bars in Southwick Town Centre other than Tosca's at first floor level to the south. This proposal would not harm the vitality or viability of the town centre. It would encourage more activity into the evening and as a consequence potentially increase both.

Neighbour amenity

This parade of shops has two floors of residential accommodation above it, eight flats in total each one over two floors. The front part of each flat oversails the front of the ground floor and sits above the front canopy. The remainder of the flat then extends approximately 6 metres back over the first part of the shop leaving 12 metres of the shop unit with nothing above it.

Advice from Environmental Health is that subject to appropriate sound insulation between the ground and first floor internal noise from a micro pub in this location should not cause harm to the residential amenity of those living above. Tests carried out on the ceiling recently found there to be no insulation to speak of currently. The applicant has confirmed he is willing to provide an acoustic ceiling to meet the required standard but at not inconsiderable cost.

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. In this case, while the application site is in a row of A-class uses, it does have residential accommodation above it. The proposed micro-pub concept is aimed at a specialist market and the nature of the use clearly differs from the pubs which typically dominate town centres. Given the proximity of residential properties, it is not considered that later opening hours could be justified at this stage and that a condition should be imposed to restrict the opening hours, notwithstanding those stipulated on the approved license. Sound attenuation can and will be improved between the unit and the flat over. This, along with additional conditions, will ensure activity within the micro pub does not lead to harm to residential occupiers upstairs. Because the micro pub at its busiest could accommodate up to 50 people there is potential for noise and disturbance from customers entering and leaving the establishment. As such it is considered appropriate to restrict opening hours to 10pm Sunday to Thursday and 10.30pm on Fridays and Saturdays (including drinking up time). This is after all a town centre location and neighbours should expect a greater level of activity at night than in a strictly residential area.

It would be open to the applicant to apply to submit an application to vary the condition in time but I would suggest not for at least 12 months from opening to allow neighbours to fully understand e likely noise impacts. .

On site the applicant advised that only one air conditioning unit is now proposed and that this on the rear elevation where an old one used to be positioned. This is a long distance from any of the neighbouring residents and will not be harmful.

The site has a small rear yard which is also well removed from the flats above. This could be used to accommodate smokers if required.
The applicant is planning to have two unisex toilets. This combined with the amount of floorspace involved limits the maximum number of covers to approximately 50 patrons.

The proposed floorplan does show a small bar area, which amounts to less than 10% of the available floorspace but it is believed that most customers will be seated when drinking. The applicant has been asked for a floorplan to demonstrate the likely maximum number of covers available.

Conclusion

The principle of a micro pub in this location is acceptable subject to no residential harm being caused. Recommended closing times for Fridays, Saturdays and Sundays are longer than other micro pubs but as this is a town centre location and given Environmental Health's comments it is considered acceptable in this instance. The applicant states that restricting closing times, particularly on Fridays and Saturdays will make his business unviable and the unit will stay empty.

Recommendation:

APPROVE subject to the following conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. Prior to opening as a micro pub a sound insulation scheme shall be submitted in writing to the Local Planning Authority for approval to protect the residential property above the proposed drinking establishment. The scheme shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB). After installation and prior to opening as a micro pub the insulation scheme shall be tested to demonstrate that the attenuation measures carried out has achieved the minimum airborne sound insulation criteria. Such measures shall be maintained at all times thereafter.
4. The micro-pub hereby permitted shall only be open for trade and business between 11.30 and 22.00 hours on Monday to Thursday, 11.30 to 22.30 hours on Fridays and Saturdays and 11.30 to 20.00 hours on Sundays (including drink up time).
5. There shall be no preparation/cooking/heating-up of hot or cold food on the premises. Only cold food shall be served to customers on the premises.
6. There shall be no live or amplified music played on the premises at any time.
7. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification), the premises shall be used only as a micro-pub as described in the supporting material submitted with the application and for no other purpose within Use Class A4 of the Town and Country

Planning (Use Classes) Order 1987 or in any equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification, except by grant of a separate planning permission by the local planning authority.

8. There shall be no tables or chairs in connection with the approved use of the building on the front forecourt of the premises.
9. No more than 49 customers (covers) on site at any time.
10. No amplified music audible above background noise level (level to be stipulated).

26th March 2018