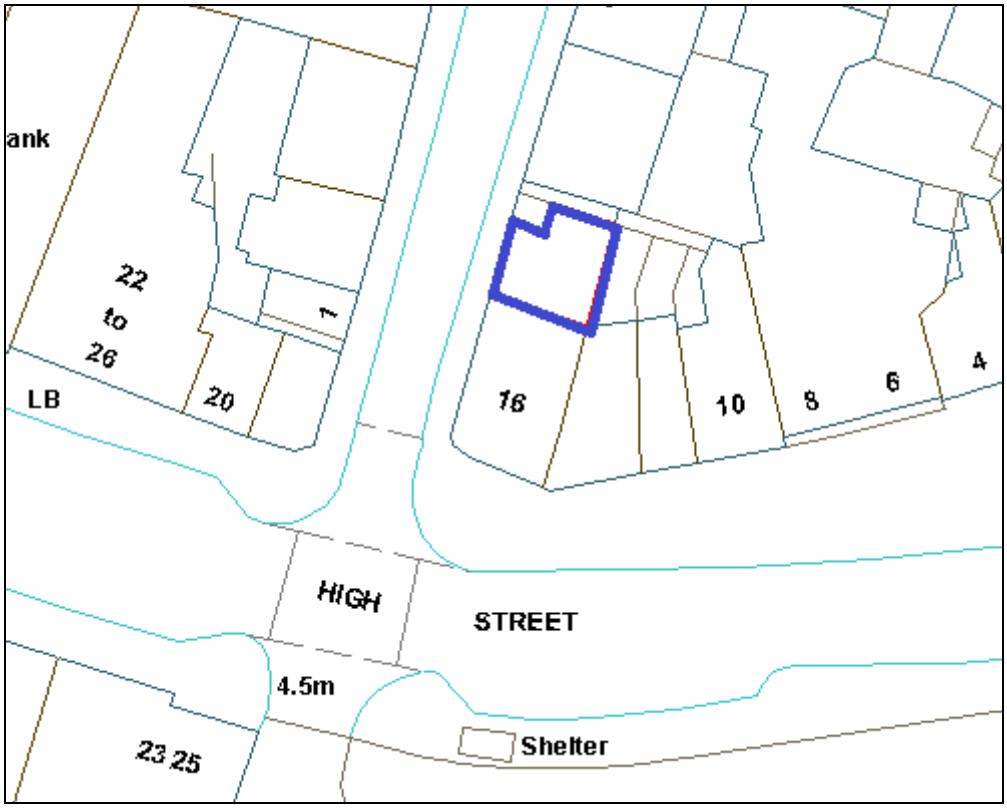
Application Number: AWDM/0861/13 **Recommendation – APPROVE**

Site: **16A - 16B High Street Shoreham-By-Sea West Sussex BN43 5DA**

Proposal: **Change of use from use class A1 (retail) to micro pub use class A4**

Applicant: Mr Hugh Robinson Marc Kent Ward: St Mary's
Case Officer: Jo Morin



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Proposal, Site and Surroundings

The application relates to a vacant ground-floor retail shop (36 square metres in floor area) fronting the east side of Church Street. The retail unit previously formed part of a larger premises within the terraced building located on the corner of High Street and Church Street. There is a self-contained residential maisonette on the upper floors and adjoining to the north (River View).

Church Street is primarily a residential road although there are a number of commercial uses at the southern end, including a dental practice at Church House (No.8), a massage clinic (No.3) and the service entrance to the Co-op supermarket adjoining No.5. It is largely made up of traditional terraced cottages dating from the early to mid C18 of which a number are Listed owing

to their important historic character. The street is located within the heart of the Shoreham Conservation Area, centred on the Church of St. Mary de Haura, and is the subject of an Article 4 Direction removing 'permitted development' entitlements for small-scale domestic alterations; as a result of which even those properties which are not Listed retain much of their original historic character.

Permission is sought for a change of use of the vacant shop unit to a micro-pub (Class A4).

A supporting statement submitted with the application describes the micro-pub concept as a small establishment that serves a limited range of alcoholic drinks (cask beer, cask cider, wine, soft drinks, tea and coffee) but no spirits, 'alcopops' or manufactured lagers; has no music, TV or gaming machines and serves no cooked food – just traditional snacks such as crisps, nuts and pork scratchings supplemented on occasion by local cheeses, pork pies, pasties and Scotch eggs. The range of drinks is supplied by small and (preferably) local breweries and vineyards. It is stated: "*Micro-pubs offer an environment which encourages a more quiet and community-minded atmosphere where people get together and talk - helped by the limited size of the premises*". The indicative layout submitted as part of the application shows seating for approximately 20-25 people.

The supporting statement goes on: "*Micro-pubs appeal to people who have stopped visiting pubs because of the constant noise and intrusion of TVs, jukeboxes and games machines. What a micro-pub has to offer is a certain 'uniqueness' which draws people from their front room back to a concept that is simple and traditional. We believe this uniqueness will encourage people from a much wider area to visit Shoreham to enjoy what a micro-pub has to offer – and subsequently to visit other shops in the local area.*" A link is made to the fact that the larger premises of which the vacant shop unit forms part, formerly comprised 'The Star Inn', a historic public house that closed over 100 years ago.

As originally submitted the proposed hours of opening would be between 10.00 and 23.00 hrs on Monday to Saturday and between 11.00 and 22.00 hrs on Sundays and Bank Holidays.

No external alterations are proposed to the existing double shop front other than that the northern-most entrance door onto Church Street would be fixed shut.

The application has been called in to be determined by the Planning Committee.

Consultations

West Sussex County Council: No objection to the change of use from an established A1 to a proposed A4 use.

Adur & Worthing Councils: The ***Environmental Health Officer (Environmental Protection Team)*** comments that there is the potential for a licensed premises to cause noise disturbance and loss of amenity to nearby residents from customers inside and outside the premises, and any additional entertainment provided. Due to the quiet nature of the area it is considered reasonable for the premises to close at 21.00 hrs Monday to Sunday.

It is understood that no amplified music will be played, and there will be no TV or games machines. A condition relating to this is recommended. It is also recommended that any permission be restricted to a micro-pub only.

There are residential premises above the property, and also neighbouring the property to the north; as the existing level of sound insulation is likely to be poor and a condition is recommended requiring additional sound insulation to be provided.

The Environmental Health Officer (Food Team) originally expressed concern over the WC provision (originally shown as shared provision in the basement). This has been addressed by an amended plan with shows a new toilet cubicle created on the ground-floor. There is no objection subject to a requirement for outward-opening doors, hours of opening being curtailed to between 10.00 hrs and 21.00 hrs and no sale of hot-food on the premises.

Adur District Conservation Advisory Group: Supports the application.

Representations

2 letters of objection have been received from residents in Church Street, raising the following concerns (which have been summarized):-

- There is no need for further licensed premises in the Town Centre, there are six other pubs in the immediate vicinity let alone the licensed restaurants and cafes in East Street;
- The proposed micro-pub use is not appropriate within the Conservation Area of Church Street. The site address is High Street, but the entrance to the premises is in Church Street;
- Too many commercial premises have been allowed to open in Church Street which is degrading of its residential beauty; residents already suffer from the upheaval of deliveries to Co-op from early morning throughout the day;
- An extension to licensing hours is likely to be applied for after a period;
- The site is not suitable or safe for a micro (or any other type) of pub owing to the restricted access; Church Street is very narrow with parking on both sides and can be dangerous when cars rush through;
- Concern about smokers congregating outside premises causing congestion on the pavement and risking pedestrians having to walk in the road to pass by;
- The use will generate large amounts of refuse that will collect on the pavement;
- There are other, more-suitable vacant premises in the Town Centre;

- Not all residents in Church Street have been notified of the proposals by letter.

At the time of writing 85 representations have been received in support of the application of which 31 are from residents of Shoreham, making the following observations (which have been summarized):-

- A great thing for the town; an exciting concept where people can safely enjoy a pint or two, have a chat in comfortable surrounds and support local trade;
- An original and interesting addition to the High Street;
- Gives the public choice; will provide an alternative for real-ale drinkers to the food-led pubs in the High Street
- The town needs to make re-use of empty commercial properties of which there are too many in and around the High Street;
- Too many pubs are being lost; this is an excellent example of an independent company using their initiative to introduce something new in the Town;
- The High Street pubs are full of the younger generation, older residents should welcome this new venture;
- Fully support having visited a similar micro-pub elsewhere, this will bring a unique retail outlet to Shoreham free of music, gaming machines and other paraphernalia which detracts from the enjoyment of good conversation and well-crafted beer;
- The Town needs active shop premises; visitors attracted by the micro-pub will also use other facilities the Town has to offer;
- Small business and initiative should be encouraged;
- This concept is unlikely to lead to public nuisance as opposed to the mass-produced beverages produced by the big pub companies which can encourage binge drinking;
- Will complement rejuvenation of the area following completion of the footbridge.

Relevant Planning Policies and Guidance

Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AS1
National Planning Policy Framework (March 2012)

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 site is located within the town centre subject to saved Local Plan policy AS1, which supports proposals for shopping and food and drink purposes falling with Use Classes A1 and A3 subject to there being no loss of residential accommodation at upper floor level, no loss of amenity to nearby residents and on-site parking arrangements and access to the public highway being accessible. Policy AS1 was drafted and adopted at the time when public houses were included with Class A3 prior to the introduction of the separate A4 Use Class for 'Drinking Establishments' in 2005. It is therefore considered the proposal for a 'micro-pub' complies with the spirit of this policy, subject to the other considerations referred to.

Government policy within the National Planning Policy Framework states that local authorities should promote competitive town centres that provide customer choice and a diverse retail offer and which reflects the individuality of town centres.

There is no policy objection to the proposed micro-pub use, which would serve a niche market, in keeping with the character of other small-scale, commercial and non-corporate retail uses which distinguish this part of the town centre.

Visual amenity

The existing traditional shopfront is double fronted. An internal wall would be removed to open up the interior but no external alterations are proposed other than the existing entrance door on the north side would be fixed shut. Consequently, it is not considered that there would be any harm to the character or appearance of the Shoreham Conservation Area.

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. In this case there is a residential maisonette directly above the application property (River View), as well as residential properties opposite and throughout Church Street to the north. However, the proposed micro-pub concept is aimed at a specialist market and the nature of the use clearly differs from the large-scale corporate pub chains and food-based 'gastro-pubs' which typically dominate town centres.

The proposed use would give rise to some noise through activity, but this is to be expected in a town centre location. Although the site is located within Church Street, which it is acknowledged has a very different character to High Street it is nevertheless included within the designated retail policy area. The potentially disturbing aspects of the use can be controlled by imposing

conditions limiting the hours of opening to prevent late evening/night use, as well as stipulating that no music should be played on the premises and no hot food should be prepared or sold to customers on the premises. This is entirely consistent with the micro pub concept as presented. Owing to the particular constraints imposed by the small size of the premises and the very close proximity of neighbouring occupiers, it is important that the specific nature of the use is controlled by imposing a condition restricting the use to a micro-pub as distinct from other types of drinking establishments within the broader A4 Use Class.

The applicant is agreeable to a condition restricting opening hours to between 10.00 and 21.00 hrs Monday to Sunday. On this basis, and subject to the other conditions recommended it is considered the proposed use could take place without giving rise to unacceptable detriment to the amenities of nearby residential occupiers.

Whilst the supporting statement states that no drinking would be permitted outside the premises, there is no practical means of preventing customers (or anyone else) standing on the pavement to smoke. In terms of the concerns raised about obstructing the pavement, it could be argued that this would be little different to customers of the former retail shop standing outside to view the shop window display. In any event, there are pavements on both sides of Church Street and no objection has been made by the Highway Authority.

With regard to the observation made by the third party that not all residents of Church Street were notified of the application by letter; it is worth pointing out that the neighbouring properties were informed of the application by letter, a site notice publicising the application has been displayed, and a notice published in the local newspaper.

Accessibility and parking

There is no rear access and deliveries would be made to the front of the property (as they were to the former retail shop). There are double yellow lines directly in front of the shop unit, but on-street parking is available further along Church Street. The Highway Authority has raised no objection on highway safety grounds.

Recommendation

APPROVE for the reason:-

The proposed use as a micro-pub is appropriate to the role and function of this part of the town centre, would contribute towards its vitality and help support the local economy. Subject to the recommended safeguards it is considered the proposed use could take place without detriment to the amenities of neighbouring residential occupiers. There would be no harm to the character or appearance of the Shoreham-by-Sea Conservation Area.

Subject to the following conditions:-

1. Standard 3 years to implement
2. Implement use in accordance with approved plans
3. There shall be no food preparation, primary cooking or serving of hot food to customers on the premises
4. Restrict opening hours to between 10.00 and 21.00 hours (Monday to Sunday)
5. There shall be no amplified or live music played on the premises
6. There shall be no more than 30 covers at the premises
7. Agree scheme of sound insulation between ground and upper floors
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