Expiry: 18/9

Development Control – Delegated Officer Report

Application Number: AWDM/1033/23 Recommendation: APPROVE

Site: MacMillans Bar, 3 Union Place, Worthing

Proposal: **Proposed change of use from previously permitted A3 Restaurant (Class E(b)) to mixed use restaurant (Class E(b)) and cocktail bar (Sui Generis).**

Date of site visit: 22/8

Neighbours checked: y

Additional neighbour notifications: n

Site and Surroundings

MacMillan's Bar is a detached two storey building on the north side of Union Place close to the junction with High Street to the east. Built originally as a house then used as offices it has been in use, with permission, as a restaurant since the late 1990's. This permission limited hours to between 8am and Midnight.

There is external seating in the front forecourt for approximately 20 people as well as what appears to be bench seating along the front boundary outside the site. There is a rear garden which can accommodate about 30 people and a first floor rear terrace accessed via a rear stair which could be used to seat another 12/15 people, though the applicant says it is not used for such purposes currently.

The site is within the Worthing Town Centre boundary but has no particular designation itself. It is not in a conservation area. Storm House at 4 Union Place, to the east, is a Grade II listed building in office use. No. 4's rear curtilage also wraps around the end of MacMillans rear garden.

Amelia Court, to the west, is a development of more than 70 'assisted living' units for the elderly which includes the conversion of a listed building into 4 of these units. Side windows at Amelia Court are within 7 metres of the common boundary and clearly visible from the rear.

Proposal

Planning permission is sought to continue using the site as a restaurant between Midday and 10pm 6 days a week with Sunday restaurant hours up to 11pm. After this time food would stop being served and a cocktail bar is proposed with the following hours:

Monday, Tuesday and Wednesday – 10pm to Midnight
Thursday – 10pm to 1am
Friday and Saturday - 10pm to 2.30am

Sundays 11pm to midnight

Relevant Planning History:

97/0768 – Alterations in connection with approved change of use from office to restaurant (use class A3) date 1/7/97 (WB/97/0407 refers).

97/0407 – Change of use from office to restaurant (Use Class A3) with formation of new entrance at side and alterations to first floor (front) window. Granted

0111/22

Consultations:

Environmental Health: '*Further to our visit yesterday, I have no objection to the planning permission being granted subject to conditions.*

The internal music noise level LAeq (5min) shall not exceed 90dB measured 1m from any speaker.

The use of the rear garden and balcony shall cease at 11pm.

There shall be no tv broadcasts, nor any recorded or live music played in any external areas of the premises.'

Sussex Police:

Thank you for your correspondence of the 26th of July 2023, advising me of a planning application for proposed change of use from previously permitted A3 Restaurant (Class E(b)) to mixed use restaurant (Class E(b)) and cocktail bar (Sui Generis) at the above location, for which you seek advice from a crime prevention viewpoint.

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear, and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas.

The level of crime and anti-social behaviour in Worthing district is above average when compared with the rest of Sussex, so additional measures to mitigate against any identified local crime trends and site-specific requirements should always be considered.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments.

This planning application is proposing a change of use from previously permitted A3 Restaurant (Class E(b)) to mixed use restaurant (Class E(b)) and cocktail bar (Sui Generis).

Expiry: 18/9

Proposed opening hours would be as follows:

Use Class: E - Commercial, Business and Service:
Monday to Friday: Start Time: 12:00 End Time: 22:00 Saturday: Start Time: 12:00 End Time: 22:00
Sunday/Bank Holiday: Start Time: 12:00 End Time: 23:00.

Use Class Sui Generis Cocktail Bar:
Monday to Friday: Start Time: 22:00 End Time: 02:30 Saturday: Start Time: 22:00 End Time: 02:30
Sunday/Bank Holiday: Start Time: 23:00 End Time: 00:00.

From a crime prevention perspective - my concerns with this proposal are that of noise.
The amenity of the surrounding local residential community has the potential to be greatly impacted by not only additional footfall into the area but also potential disturbance by patrons who are leaving the venue in the very early hours as the proposal is seeking opening hours as a cocktail bar from 22:00 hours to 02:30 Monday to Saturday and 23:00 to 0:00 Sundays & Bank Holidays.

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 premises which is why it is extremely important the applicant contacts them as soon as is practicable.

Thank you for giving me an opportunity to comment.

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.

Highways: No objection

Private Sector Housing: No objection

Representations:

One objection from a resident at Amelia Court summarised as follows:

Noise and disturbance will occur into the night. Previously disturbed by patrons of this establishment up to 2am.

Relevant Planning Policies

Worthing Local Plan policies (WBC 2023): SP1, SS3, DM5, DM12, DM13 and DM22
National Planning Policy Framework (HCLG 2023)
National Planning Practice Guidance

Planning Assessment

The site is located within the town centre but not located within a designated shopping parade. The supporting text to Local plan policy DM13 notes that bars, cafes and similar uses can have an important role to play in the long term success of the town centre as they can broaden the daytime attraction as well as supporting a vibrant evening economy. In general, the Council will be supportive of proposals that seek to expand operations beyond the usual daytime economy into evening / night-time economic opportunities. However, careful consideration will be given as to the

appropriateness of certain types of activities and operational hours to avoid an unacceptable impact on the amenity of those living and working in the area.

To this end it is considered the proposed mixed use is appropriate to its location within the designated town centre area. The key concern is the effect of the proposals on the residential amenities of nearby residential occupiers, particularly those living in Amelia Court.

Visual Amenity

There is no change proposed to the appearance of the building.

Residential Amenity

Amelia Court is within 7 metres of the shared boundary.

The current permission does not prevent use of either of the external spaces, front or rear. However, the proposed use, together with the proposed hours make it more likely that nuisance to neighbours would occur, without restrictions.

The cocktail bar use can co-exist with residential neighbours if no customers are in the rear garden or rear terrace after 11pm. Also, no amplified music should be played outside the venue. Finally, music played in the bar should be limited to a maximum noise level, as prescribed by Environmental Health. Relevant conditions are recommended.

Recommendation

APPROVE subject to Conditions:-

1. Drawing Numbers
2. Standard time limit
3. Hours of use – restaurant 8am to 10pm Mon-Sat and 8am to 11pm on Sundays. Cocktail bar 10pm to Midnight Mon, Tues, Weds, 10pm to 1am on Thurs, 10pm to 2.30am Fri and Sat and 11pm to Midnight o Sundays.
4. Notwithstanding the hours referred to in condition 3 of this permission the external rear courtyard and first floor terrace shall not be used by customers after 11pm any day or again before 8am the following day.
5. No music of any type (live, non-amplified or amplified) no tv broadcasts shall be played externally at any time.
6. The arrival, reception or dispatch of deliveries to the premises shall only take place between the hours of 8am and 10pm on any day.

Informative

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally

submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

Case Officer:	MOK	Date:	28/11/23
Authorised by:	Jo Morin	Date:	28.11.2023