

Report of the Chief Executive

APPLICATION NUMBER:	21/00626/ROC
LOCATION:	Star Inn, 22 Middle Street, Beeston, Notts NG9 1FX
PROPOSAL:	Variation of condition 3 of planning ref: 20/00326/FUL (to extend the hours that live and recorded entertainment involving amplified music and/or speech or regulated entertainment can be permitted in the internal marquee to a maximum of 3 sessions per calendar week and to between the hours of 12 noon - 22.00 daily and for each session to be limited to a duration of 3 hours inclusive of any breaks per session)

The application is brought to the Committee as the hours set out in the restrictive condition were modified by committee at the meeting of 9 September 2020.

1 Executive Summary

- 1.1 The application seeks to vary a condition imposed on planning reference 20/00326/FUL to allow for and extension to the hours that live and amplified music can be played in the internal marquee. The authorised hours are between 12.00 noon and 21.00 hrs and the applicant seeks to extend these by one hour, to 22.00 hrs, as per the original officer recommendation.
- 1.2 The current Premises Licence allows for the hours to be from 12 noon to 22.00 hrs and it is the applicant's view that allowing the additional hour would be both consistent with the hours imposed on the premises licence, would contribute to the vitality of the night-time economy, and that the use would be controlled by other conditions and restrictions contained in the decision notice.
- 1.3 The Committee is therefore asked to resolve that planning permission be granted subject to the conditions outlined in appendix 1.

1 Details of the Application

- 1.1 The proposal seeks to vary a condition imposed on planning permission reference 20/00326/FUL which restricts the hours and number of sessions that live and recorded entertainment can take place within the enclosed internal marquee. The hours are authorised as being between noon and 21.00 hrs and the application seeks to vary these hours to 22.00hrs. The reason for the condition was to protect immediate residents from excessive operational noise, in accordance with Policy 10 of the Broxtowe ACS and Policy 19 of the Broxtowe P2LP.

2 Site and surroundings

- 2.1 The Star Inn is an established public house located on the south-east side of Middle Street, opposite the public transport interchange and the Beeston Square development. The site is just outside of the Town Centre boundary.
- 2.2 The site consists of a two storey building with a two storey former coach house building attached to the north east. The property has been extended to the rear, having a single storey brick built extension to the rear of the main building, a single storey brick built extension to the rear of the coach house building, and an enclosed marquee between, linking the main building and extension to the other extension and the coach house, in effect infilling this area. There is a raised decking area to the rear of the marquee and this is covered by way of an extension to the marquee, and has open sides beyond the main enclosed marquee. The pub has a large external area to the rear, which consists of a 'beer garden' with picnic style benches and tables, and a fenced off area which is used as a children's play area. There is a forecourt for limited parking to the front of the property.
- 2.3 There are a mix of uses along the Middle Street frontage, which include pubs, commercial uses, apartments and a care home. The area to the south west and south east of the site, to the rear, is generally residential in character.
- 2.4 To the north east of the site, and also fronting Middle Street, is The White Lion, also a detached two storey pub with an external area to the rear. This is now vacant and unused. To the rear of this property is 1 Nether Street, which is to the north east boundary of the application site, adjacent to the beer garden of the Star Inn, and adjacent to this but not adjoining the site, is 106 Station Road, a single storey building in commercial use.
- 2.5 1 Nether Street is a detached two storey cottage which has its side elevation forming the boundary to the site. No windows are in the side elevation. The rear garden of this property is adjacent to the site and there are windows in the rear elevation (north west facing).
- 2.6 Nether Street, at the point where it abuts the rear of the site, is a footpath which links Station Road to Waverley Street and Moore Gate. To the south east of the footpath is 48 Waverley Street, a detached bungalow, the side elevation of which is adjacent to the footpath.

- 2.7 To the south west of the site and running along the side of the site is Moore Gate, a link which is not wide enough for vehicular traffic for its whole length. To the north west end of Moore Gate, where it meets Middle Street, there is a car parking area associated with Newgate House, beyond, which is a three storey residential apartment building. To the south east of this there is a commercial two storey property which is understood to be used as a warehouse or storage facility. This building has windows facing the site and is built up to the edge of Moore Gate.
- 2.8 Beyond the commercial building and to the south east are a pair of semi-detached two storey dwellings (16 and 18 Moore Gate). These dwellings are set back from Moore Gate and have the front elevation facing the site, looking over the children's play area and into the beer garden beyond. The dwellings also have a secondary vehicular access from Hallam Road, to the rear. 20 Moore Gate is to the south of these semis and is a two storey detached cottage with a single storey addition in a L shape form and has windows at ground floor and one window at first floor in the north east facing elevation.
- 2.9 To the south east of 20 Moore Gate and 48 Waverley Street, which are opposite one another, the street is residential with a mix of detached bungalows (north east side of the street) and two and three storey properties mainly to the south east side.
- 2.10 Part of the site (the rear of the building and the external areas) falls within Flood Zone 2.

3 Relevant Planning History

- 3.1 Prior to 2013, there were planning applications for minor works such as advertisements and an access ramp.
- 3.2 In 2013, planning permission was granted for the construction of a single storey rear and side extension, and the erection of a marquee (reference 13/00533/FUL). The rear extension was to the rear of the main body of the building, adjacent to the Moore Gate side (the south west elevation), and to the width of the building, and the side extension was to the rear of the coach house Planning Committee 9 September 2020 element, adjacent to the White Lion site (the north east elevation). The marquee was attached to the side extension and positioned between this and the main building. A condition was imposed on this planning permission which required no amplified music or amplified speech equipment to be used in the marquee at any time.
- 3.3 In 2014 planning permission was granted for a change of use of the first floor to create 8 letting bedrooms and alterations to the rear extension and marquee (reference 14/00586/FUL). This application was retrospective and saw the creation of 8 letting rooms on the first floor; changes to the extension along the north east boundary which sees the extension detached from the coach house, and built further off the boundary, and have a covered area to the rear accessed via the marquee; and the marquee design changed to show two sets of doors in lieu of full height glazing, and 0.5m further toward the rear boundary. Again, a restrictive condition in respect of amplified music or speech equipment was imposed, as per the 2013 planning permission.

- 3.4 In 2015, planning permission was granted to retain 'extension, shed, fencing beside Moore Gate, and extraction equipment' (reference 15/00543/FUL). The extension to be retained related to that approved in 2013, albeit with different choice of materials. The shed was a detached structure to the rear of the extension, and the fencing was to the side of this. The extraction equipment was located above the single storey rear extension. A requirement of planning permission was for the extraction equipment to be painted black.
- 3.5 In September 2020, planning permission was granted, subject to conditions, for the retention of the external marquee extension and a sheltered bar servery, and for a variation of condition 3 of planning permission 13/00533/FUL to permit amplified music and speech within the marquee and marquee extension. Conditions included a temporary period of permission for one year (ending 11.09.21), after which the permission required the building works granted approval to be removed and land re-instated, and a condition requiring live and recorded music to be within the internal enclosed marquee area only and limited to 3 sessions per week, and be restricted to be between noon and 21.00hrs. The applicant was successful on appeal in removing the condition relating to the temporary period (condition 2). Planning reference 20/00326/FUL.

4 Relevant Policies and Guidance

4.1 **Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

4.1.1 The Council adopted the Core Strategy (CS) on 17 September 2014.

- Policy A: Presumption in Favour of Sustainable Development
- Policy 1: Climate Change
- Policy 10: Design and Enhancing Local Identity

4.2 **Part 2 Local Plan 2019:**

4.2.1 The Council adopted the Part 2 Local Plan (P2LP) on 16 October 2019.

- Policy 1: Flood Risk
- Policy 17: Place-making, design and amenity
- Policy 19: Pollution, Hazardous Substances and Ground Conditions

4.3 **National Planning Policy Framework (NPPF) 2021:**

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 12 – Achieving well-designed places.

5 Consultations

5.1 **Council's Environmental Health Officer:** No objections or comments

5.2 Seven properties either adjoining or opposite the site were consulted and a site notice was displayed. Three responses were received, objecting on the following grounds:

- Music can be heard from the Star very clearly at night, resulting in difficulty sleeping when (objectors) windows are open
- Object to live music being played in the marquee, as would sound as if being played in the beer garden
- The open fronted marquee where the proposed music is to be played has an open side directed toward Waverley Avenue, funnelling the music toward a residential area, thereby disturbing residents sleep

6 Assessment

6.1 The main issue for consideration is the impact on neighbour amenity.

6.2 **Principle**

6.2.1 The principle of the use of the internal, enclosed, marquee for live and recorded entertainment has been established under the previous planning permissions.

6.3 **Amenity**

6.3.1 Planning permission was granted for the use of the external marquee for live and recorded entertainment with a condition restricting the hours to 21.00 in order to safeguard neighbour amenity, following a number of objections received when the former application was being considered in 2020. Following consultation in respect of the application to vary the condition, three objections have been received stating that recent events have taken place past the 9pm time limit and that music can be heard emanating from the building.

6.3.2 No objections have been raised to the variation of the condition from the Environmental Health team. The premises licence allows for the performance of live music and recorded entertainment to 22.00hrs, for a maximum of 3 hours inclusive of breaks, on any one day.

6.3.3 The marquee is a substantially more enclosed and solid structure than the external marquee and is sited further away from the nearest residential properties on Nether Street, Moore Gate and Waverley Avenue than the external marquee and beer garden. It is considered that the use of the enclosed marquee for an additional hour to 22.00 hrs would not have a substantially greater impact on neighbour amenity than the existing situation, where a restriction of 21.00hrs has been imposed. It should be noted that the application does not include an intention for live recorded entertainment to be played in the outside (external) marquee, contrary to objections raised.

6.3.4 It is acknowledged that the public house (and the adjacent public house, when previously operating) has been in existence and in operation for a long time, and as such the occupants of the residential properties surrounding the site would have been aware of this when choosing to live in the area. The site and surrounds are close to the town centre, where there are a number of competing uses and sources

of noise, including other entertainment venues and businesses, and is also in close proximity to busy through roads including the transport interchange to the north west. As such, it should be recognised that occupants of nearby property would be used to some noise and disturbance by virtue of their proximity to the town centre and to businesses such as public houses. As the Environmental Health team have not raised an objection, it would be difficult to justify a refusal of the variation of condition and the extension of hours may be difficult to enforce should the application be refused.

6.3.5 The granting of the variation of condition would allow for the pub to remain a viable business in an area where there is competition from other similar uses in the town centre, at a time where public houses are struggling due to the effects of Covid over the past 18 months. The adjacent public house, the White Lion, has closed since the 2020 application came to committee last September.

6.3.6 In conclusion, it is considered that the variation of the condition, to allow for the events within the enclosed marquee to continue to 22.00 hrs, would not have a significant detrimental impact on neighbour amenity.

6.4 Other Matters

6.4.1 Part of the application site falls within Flood Zone 2. However, as the application does not include building works, it is considered that there would be no greater impact on flood risk to the property or to the surrounding area.

7 Planning Balance

7.1 The benefits of the proposal are the enhanced entertainment offer to the users of the public house, and to secure the future viability of this long established business and for local employment.

7.2 The negative impacts are the potential for an increase in noise and disturbance for the occupiers of nearby residential property.

7.3 On balance the enhancements to the existing facility, which is a social resource in the area, would outweigh the concerns raised in regard to noise and disturbance subject to the imposition of appropriate conditions in respect of hours and times of operation.

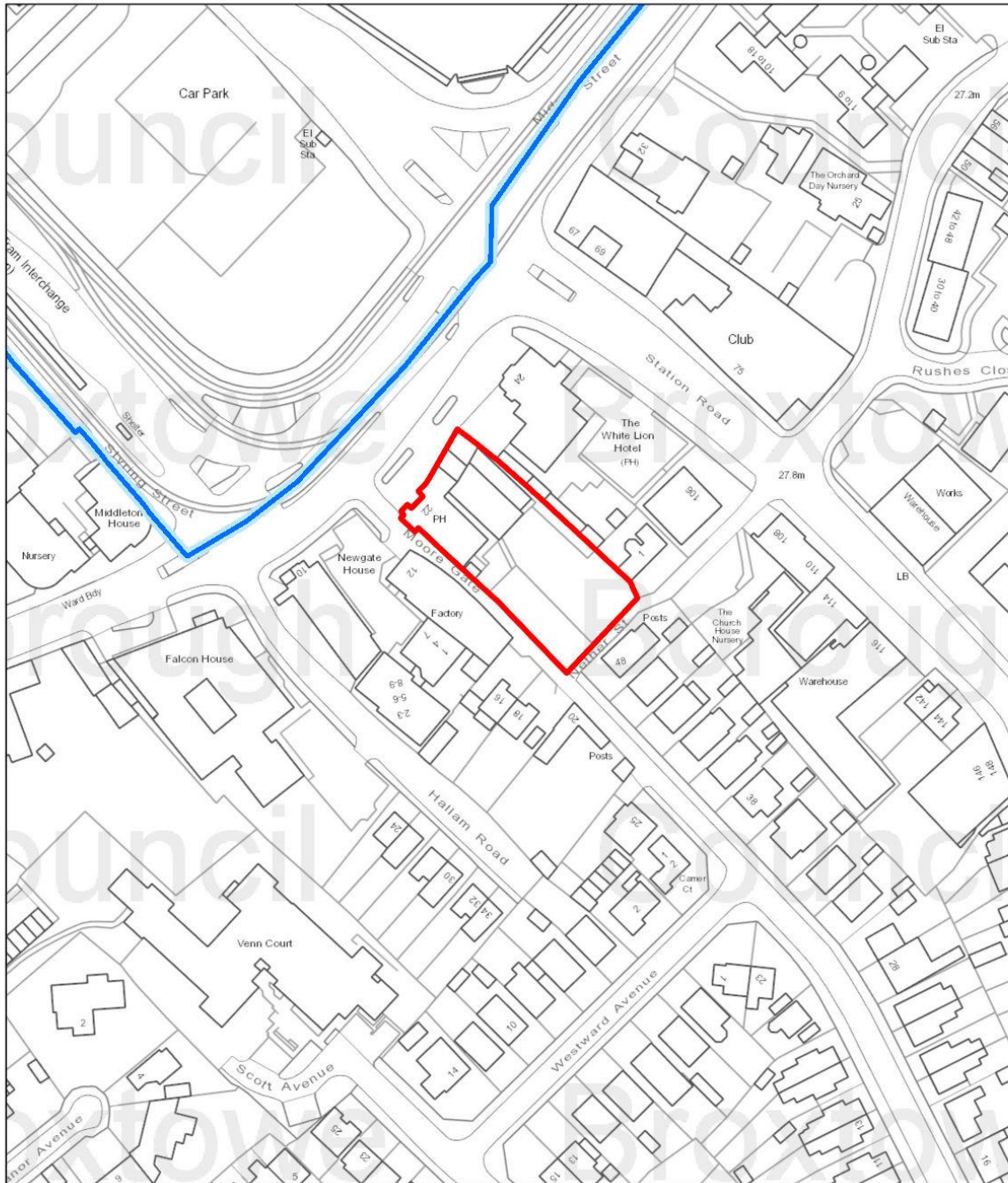
8 Conclusion

8.1 It is recommended that conditional planning permission be granted. The development accords with Policies 1 and 10 of the Aligned Core Strategy (2014), and Policies 1, 17 and 19 of the Broxtowe Part 2 Local Plan (2019).

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.	
1.	<p>The development hereby permitted shall be retained/carried out in accordance with the Site Location Plan, received by the Local Planning Authority on 27.05.20, proposed layouts JG/DM/13/038/10 received by the Local Planning Authority on 17.06.20, proposed elevations JG/DM/13/038/30 rev B received by the Local Planning Authority on 23.06.20 and proposed block plan JG/DM/13/038/40 rev D received by the Local Planning Authority on 26.08.20.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
2.	<p>Any performance of live and recorded entertainment involving amplified music and/or speech or regulated entertainment shall only be permitted in the internal marquee area and shall be limited to a maximum of 3 sessions per calendar week. Such sessions shall only take place between 12.00 noon – 22.00 hours daily and each session shall be limited to a maximum duration of 3 hours, inclusive of any breaks, per session.</p> <p><i>Reason: To protect immediate residents from excessive operational noise, in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
3.	<p>The external bar servery shall not be open for the serving of customers outside of the hours of 12.00 noon to 22.00 hours daily.</p> <p><i>Reason: To protect immediate residents from excessive operational noise, in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
NOTES TO APPLICANT	
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2.	The granting of planning permission and associated conditions does not pre-empt any formal action under Statutory Nuisance or Nuisance legislation being taken against the applicant by the Council.

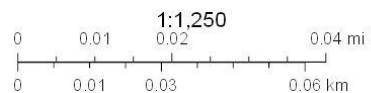
3.	All doors and windows shall be maintained in good order and kept closed during events in order to minimise noise breakout.
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Star Inn 22 Middle Street Beeston Notts NG9 1FX



9/7/2021, 7:53:57 AM

-  Site
-  Town Centre Boundaries



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Photographs



Photo inside the enclosed marquee



View of the external marquee from the beer garden



View of the beer garden from the external marquee area. The rear and side elevation of 1 Nether Street can be seen to the left of the photo



View of the external bar, to the left, the kitchen extension, centre, and the external marquee



External bar with warehouse to Moore Gate in the background



16 and 18 Moore Gate

Note: Photos taken in 2020

Plans (not to scale)

