

Report of the Chief Executive

APPLICATION NUMBER:	19/00423/FUL
LOCATION:	1 MOOR ROAD BRINSLEY NOTTINGHAMSHIRE NG16 5AZ
PROPOSAL:	CHANGE OF USE TO MICRO PUB (CLASS A4)

Councillor E Williamson has requested this application be determined by Planning Committee.

1 Executive Summary

- 1.1 The application is for the change the use of an existing building to a micro pub (Class A4). The building was previously a two storey residential dwelling which benefits from planning permission for the change of use from a dwelling to retail (Class A1)/financial and professional services (Class A2) with a flat above and associated parking (18/00618/FUL). Works have started to create the new shop front and the first floor flat, along with the demolition of a single storey extension to the side and a bay window.
- 1.2 The main issues relate to whether the principle of a micro pub in this location would be acceptable, visual amenity, impact upon residential amenity and highway safety.
- 1.3 The benefits of the proposal are the introduction of a community facility within a small mixed use area and the creation of jobs, whilst the proposal could lead to a negative impact upon residential amenity of the immediate neighbouring properties and parking issues.
- 1.4 The Committee is asked to resolve that planning permission be granted subject to conditions outlined in the appendix.

APPENDIX

1 Details of the Application

- 1.1 The application is for the change the use of an existing building to a micro pub (Class A4).

2 Site and surroundings

- 2.1 The application site is located on the corner of Moor Road and Church Lane and consists of a semi-detached building. The existing building is connected to a hot food takeaway which fronts onto Church Lane, with the application site fronting onto Moor Road. Directly to the front of the site there is an existing 1m high brick wall which is to be removed to allow for a parking area.
- 2.2 The application site lies outside of a town centre, approximately 1.8km from the town centre of Eastwood.
- 2.3 To the west on the corner of Moor Road and Brynsmoor Road there is chemist and convenience store. Directly opposite there are residential properties which front onto Broad Lane and benefit from long linear gardens. Further along Moor Road there are residential dwellings and a school.

3 Relevant Planning History

- 3.1 Planning permission was granted in 2018 for the change of use from dwelling to retail (Class A1)/financial and professional services (Class A2) with flat above and associated parking.
- 3.2 A planning application for the erection of two semi-detached dwellings on land directly adjacent to the application site is currently pending consideration (19/00365/FUL).

4 Relevant Policies and Guidance4.1 **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 2: The Spatial Strategy
- Policy 6: Role of Town and Local Centres
- Policy 10: Design and Enhancing Local Identity

4.2 **Saved Policies of the Broxtowe Local Plan (2004):**

- 4.2.1 The Part 2 Local Plan is currently under preparation (see paragraph 4.3). Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved.

- Policy H8 – Businesses in Residential Areas and Properties

4.3 Part 2 Local Plan (Draft)

4.3.1 The Part 2 Local Plan includes site allocations and specific development management policies. The draft plan has recently been examined, with the Inspector's report awaited. The Inspector issued a 'Post Hearing Advice Note' on 15 March 2019. This note included a request that further modifications be undertaken to policy 13 but no further modifications be undertaken to Policy 17. Whilst this is not the inspector's final report, and the examination into the local plan has not been concluded, it does mean Policy 17 can now be afforded moderate weight.

- Policy 13: Proposals for main town centre uses in edge of centre and out of centre locations
- Policy 17: Place-making, design and amenity

4.4 National Planning Policy Framework (NPPF) 2019:

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

5 Consultations

5.1 **Council's Environmental Health Officer:** Has raised no objection. As the resulting operational noise created could directly impact the residential properties in the surrounding area, a number of conditions are suggested to control opening hours, delivery times, prevent amplified speech and music and prevent the use of external areas.

5.2 **Highway Authority:** Raise no objections subject to conditions relating to no part of the development being brought into use until a dropped vehicular footway crossing is made available and the parking bays have been provided prior to commencement of the use.

5.3 Thirteen properties either adjoining or opposite the site were consulted and a site notice was displayed, with eleven letters having been received objecting on the grounds of:

- Highway Safety;
- Parking;
- Additional traffic generation;
- Noise;
- Anti-social behaviour;
- Litter.

6 Assessment

6.1 The main issues relate to whether the principle of a micro pub in this location would be acceptable, visual amenity, impact upon residential amenity and highway safety.

6.2 Principle of Development

- 6.2.1 Policy 13 - Proposals for Main Town Centre uses in Edge of Centre and Out of Centre Locations of the Draft Part 2 Local Plan, whilst not yet adopted, states that planning permission will be granted for retail, leisure, office or food and drink uses provided that it does not result in a unit of 500 square metres gross floor space or more; and is in an area of deficiency and meets local needs, and would not result in a significant adverse impact on the vitality and viability of any nearby centre.
- 6.2.2 The application site lies outside of a town centre, approximately 1.8km from the town centre of Eastwood. The proposed micro pub will have a floor space of approximately 31m². The small size of the unit would meet and be attractive to a local neighbourhood need and would be seen as part of a group of local shops, with a convenience store and chemist already located on Brynsmoor Road and a hot food takeaway located on Church Lane. As such it is considered that there would be no significant adverse impact on the vitality and viability of Eastwood town centre. It is therefore considered that the principle of the proposed use in this location would be acceptable.

6.3 Visual Amenity

- 6.3.1 The application site is located on the corner of Moor Road and Church Lane and consists of a semi-detached building. The existing dwelling is connected to a hot food takeaway which fronts onto Church Lane, with the application site fronting onto Moor Road. Directly to the front of the site there is an existing 1m high brick wall which is to be removed to allow for a parking area to be provided. The only alteration to the property is the removal of an existing side section of the building, a porch to the front and the provision of a shop front in place of two bay windows. Due to the limited alterations to the external elevations of the building, it is not considered the proposal will have a significant detrimental impact upon the visual amenity of the area or the character of the street scene.

6.4 Residential Amenity

- 6.4.1 Concerns have been raised by local residents in respect of noise, smells and disturbance from the proposed use.
- 6.4.2 Directly opposite the application site, there are residential properties fronting onto Broad Lane served with long gardens backing onto Moor Road. Further along Moor Road there are residential properties. The proposed change of use is to an A4 (drinking establishment) unit, which can often be associated with increased levels of noise and anti-social behaviour. The gross internal floor area for the building is approximately 31m². The unit has a significantly limited capacity that would accord with its proposed use as a micro bar as opposed to a traditional public house or bar. Whilst there is no distinction in legislation between a micro bar and more traditional drinking establishment it is considered that the size of this unit and therefore its capacity are sufficient to suggest it is unlikely to be operated in such a manner consistent with traditional drinking establishments. Whilst it is located directly opposite to residential dwellings, it is not considered

that it will have an impact on the amenity of the occupiers of this dwelling to an unacceptable degree with regards to noise disturbance and loss of privacy.

6.4.3 The Council's Environmental Health Officer states that in order to ensure the use does not have an unacceptable impact on the neighbouring residential dwellings strict conditions will be imposed restricting the opening hours to between 11.00 and 22.00 Monday to Sundays, Bank Holidays and other public holidays, restricting noise levels by not allowing any amplified speech or music inside or outside the building at any time and limiting the areas to be used in conjunction with the A4 use to inside the building at all times. By restricting the noise and not allowing external areas to be used for drinking it is considered that the noise levels should be contained to within the building and therefore the noise created by the use should not reach such levels to have an unacceptable impact on the neighbouring residential dwellings. Deliveries will also be restricted to between 8.00 and 18.30 Monday to Saturday and at no time on Sundays, Bank Holidays and other public holidays to ensure neighbours are not disturbed at unacceptable times.

6.4.4 Whilst there is a planning application (19/00365/FUL) currently under consideration for the provision of two dwellings on land adjacent to number 1 Moor Road, given the restrictions imposed by the above mentioned conditions, it is not considered the proposed micro pub would have an unacceptable impact upon the amenities of the occupiers of any immediate neighbouring properties in terms of noise.

6.5 Highway Safety

6.5.1 Concerns have been raised by local residents in respect of highway safety and existing parking problems within the area increasing due to the proposed use.

6.5.2 Considering the proposed nature of the proposed use it is unlikely that many visitors to the micro bar will be driving and therefore the use is not considered to significantly impact parking provision in the surrounding area. Four parking spaces are proposed to the front of the property to allow for off – street parking provision for the proposed future use. Whilst there are traffic regulation orders in the form of double yellow lines along the corner of Church Lane and Moor Road, there are no on – street parking restrictions directly outside or within the vicinity of the application site. No objections have been received from Nottinghamshire County Council as the Highway Authority subject to conditions relating to a dropped vehicular footway crossing being made available and parking bays shown on the proposed block plan being provided prior to commencement of the use.

6.5.3 Whilst it is noted that customers and staff to the micro bar may cause inconvenience to the existing residents who have parking demands in the area, considering the proposed use and size of the site it is not considered that the proposal would be refusable on this basis. There are no highway safety issues relating to this application.

7 Planning Balance

- 7.1 On balance the benefits of the introduction of a community facility within the local community of Brinsley and the creation of jobs outweigh the negative impacts upon the residential amenity of the immediate neighbouring properties which can be mitigated by the restrictive planning conditions proposed upon the opening hours, delivery times, restricting the use of the outdoor areas by customers and there being no amplified speech or music allowed. There are also four parking spaces proposed to the front of the building along with the provision of unrestricted on street parking. Due to the size and nature of the micro pub these are considered sufficient to negate against any potential highway safety issues.

8 Conclusion

- 8.1 It is considered that, having regard to the relevant policies of the Development Plan, National Planning Guidance and to all other material considerations, the development is acceptable and that there are no circumstances which otherwise would justify the refusal of permission.

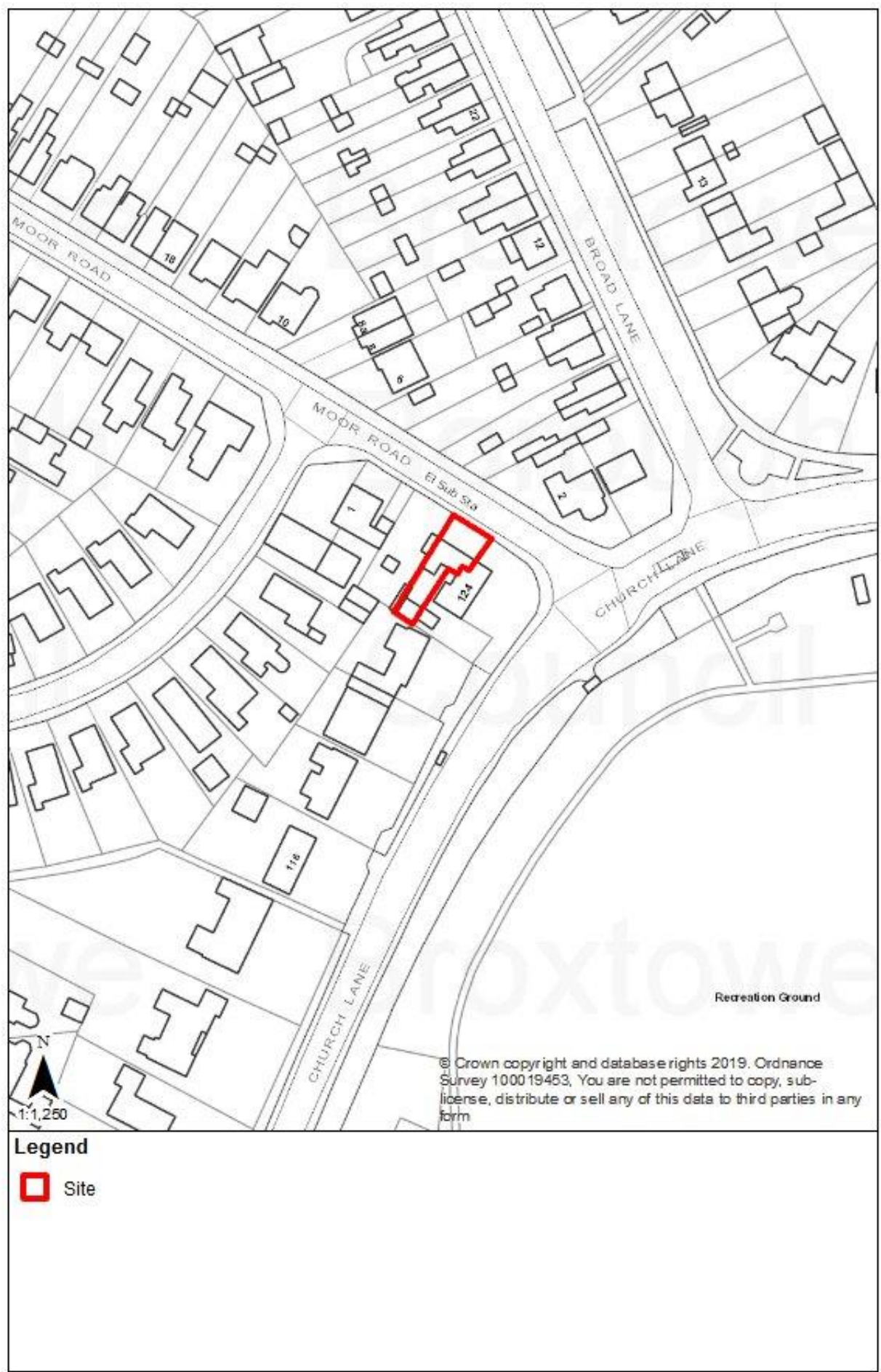
Recommendation

The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.

1.	<p>The development hereby approved shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby approved shall be carried out in accordance with drawings numbered Site Location Plan 1: 1250 received by the Local Planning Authority on 17 July 2019, Proposed Floor Plan received by the Local Planning Authority on 07 August 2019 and Proposed Parking Plan received by the Local Planning Authority on 08 August 2019.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>The A4 premises including any licensable activities shall not be open for business except between 11.00 - 22.00 hours Monday to Sundays, Bank Holidays and other public holidays.</p> <p><i>Reason: To protect nearby residents from excessive operational noise.</i></p>
4.	<p>Deliveries by commercial vehicles shall only be made to or from the site between 08.00 - 18.30 hours Monday to Saturday and at no time on Sundays, Bank Holidays and other public holidays without the prior agreements in writing of the Local Planning Authority.</p> <p><i>Reason: To protect nearby residents from excessive delivery noise.</i></p>

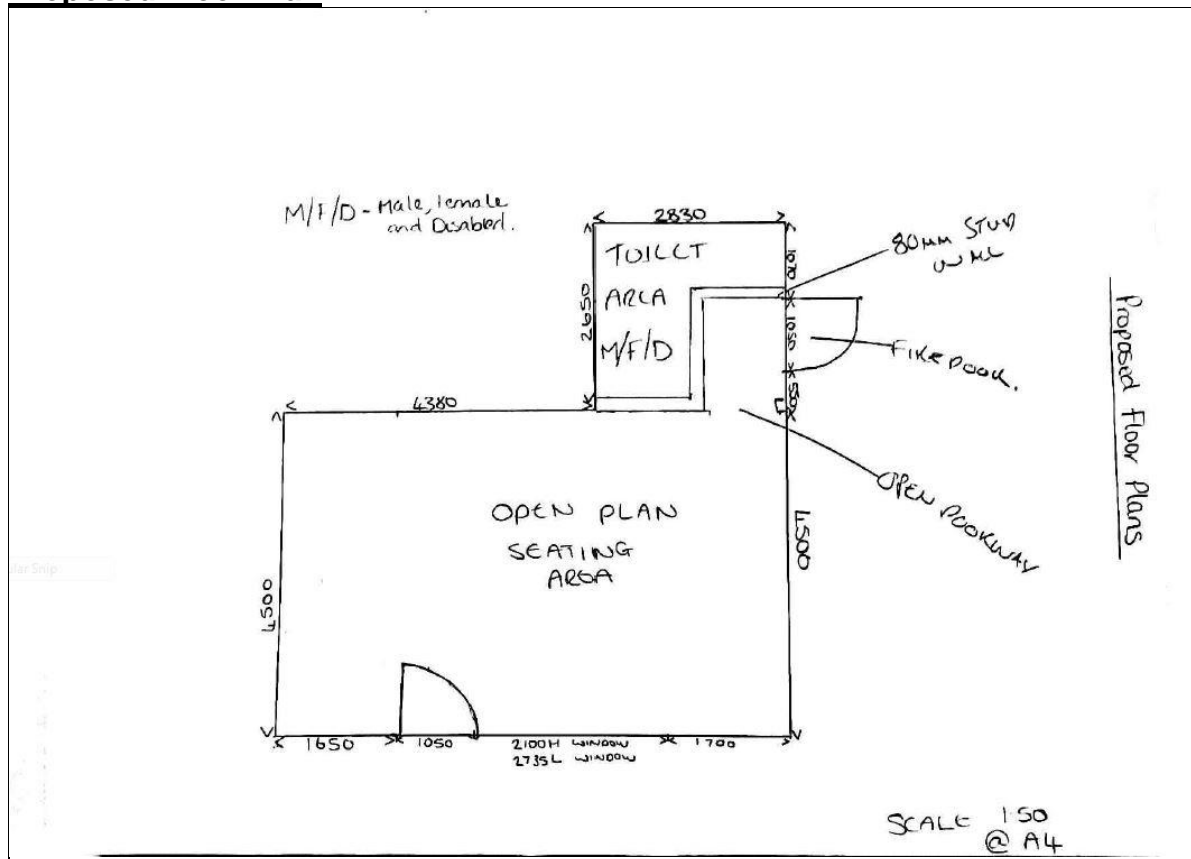
5.	<p><i>No amplified speech or music shall be permitted inside or outside the premises at any time.</i></p> <p><i>Reason: To protect nearby residents from excessive operational noise.</i></p>
6.	<p>External areas are not to be used by the patrons in conjunction with the A4 Use at any time.</p> <p><i>Reason: To protect nearby residents from excessive operational noise.</i></p>
7.	<p>All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise there from does not, at any time, increase the ambient equivalent continuous noise level as measured according to the current British Standard BS4142 at any adjoining or nearby residential property.</p> <p><i>Reason: To protect nearby residents from excessive operational noise.</i></p>
8	<p>The micro pub shall not be brought into use until the dropped vehicular footway crossings are available for use and constructed in accordance with the Highway Authority specification.</p> <p>Reason: In the interests of Highway safety.</p>
9	<p>The micro pub shall not be brought into use until the frontage parking is available for use, surfaced in a bound material with the parking bays clearly delineated showing 5.0m in length. The parking areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking of vehicles.</p> <p>Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.</p>
	NOTES TO APPLICANT
1.	The Council has acted positively and proactively in the determination of this application, through an early visit to the site to appreciate whether any amendments needed to be sought and thus afford sufficient time to negotiate these should it have been the case.
2.	The development involves building works and given the proximity of residential properties to the site the applicant is reminded to ensure contractors limit noisy work to between 08.00 and 18.00 hours Monday to Friday, 08.00- 13.00 hours on Saturday and no noisy works on Sundays. There should be no bonfires at any time.

3.	The applicant is advised that the proposed will require a premises licence. Please contact the Councils Licensing Department on Tel 0115 9173241.
4.	The internal layout, design and construction of the premises must meet the current Food Safety and Health and Safety requirements. The applicant must therefore contact the councils Food and Occupational Safety Section on Tel :01159173485
5	The development makes it necessary to construct a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. Works will be subject to a design check and site inspection for which a fee will apply. The application process can be found at: http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities



Photographs



Plans (not to scale)Proposed Floor PlanProposed Parking to Front of Building