

Change of use from a shop (A1) to a micro pub (A4)

Report Item No
A2

16 High Street Coalville Leicestershire LE67 3ED

Application Reference
15/00978/FUL

Applicant:
Mr Jonathan Hunt

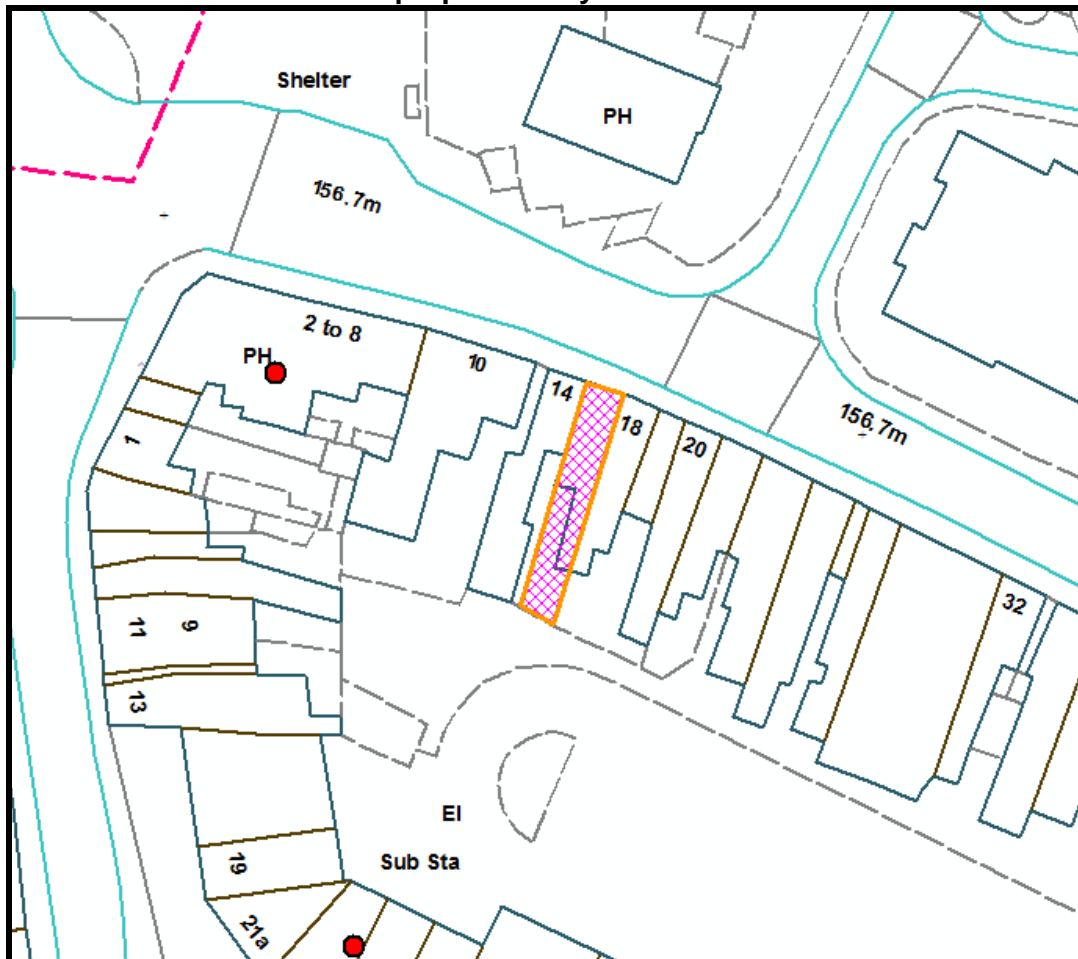
Date Registered
6 October 2015

Case Officer:
James Mattley

Target Decision Date
1 December 2015

Recommendation:
PER

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Proposal

Planning permission is sought for the change of use from a shop (A1) to a micro pub (A4) at 16 High Street, Coalville. The site is located within the Town Centre Area and also within the Coalville Conservation Area.

Consultations

Members will see from the report below that no letters of objection have been received in respect of the proposals.

Planning Policy

The application site lies within the limits to development and in the Town Centre where the principle of A4 uses are considered to be acceptable.

Conclusion

The proposed micro pub operation would retain the scale and character of the existing building within the Coalville Conservation Area, and would have no adverse impact on the town centre shopping area, designated heritage assets, residential amenities or highways in accordance with Policies R1, R19, E3, E4, T3 and T8 of the Adopted Local Plan and the provisions and intentions of NPPF. The application is, therefore, recommended for approval.

RECOMMENDATION - PERMIT, subject to conditions.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommended conditions, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

This is a full application for the change of use of No.16 High Street, Coalville to a micro pub. The existing premises are currently in an A1 use and is occupied by a pet food shop. Whilst there is no set definition of a micro pub at present, the essence of such operations involves the sale of real ale and snacks, with no music, gaming machines, pool tables or television systems at the premises meaning that conversation becomes the focus.

No external alterations are proposed as part of the scheme. Servicing of the premises takes place to the rear of the site and is accessed off a public car park located to the rear of High Street. The proposed opening hours at present are proposed to be as follows:

Sunday to Thursday - 11am to 11.30pm
Friday to Saturday - 11am to 12 midnight.

The site lies within the Coalville Conservation Area and the local shopping area.

Relevant Planning History:

05/00213/FUL - Conversion of existing buildings to provide two first floor flats above existing shops and an office to the rear ground floor - permitted.

2. Publicity

No. 5 Neighbours have been notified. Date of last notification 7 October 2015

Site Notice displayed 07 October 2015

Press Notice published 14 October 2015

3. Consultations

County Highways Authority consulted 07 October 2015
Environmental Protection consulted 07 October 2015
NWLDC Conservation Officer consulted 07 October 2015
NWLDC Street Management consulted 07 October 2015
Kay Greenbank (Head of Coalville Project) consulted 07 October 2015
NWLDC Licensing consulted 07 October 2015

4. Summary of Representations Received

No letters of representation have been received from surrounding members of the public or the surrounding occupiers.

Council's Environmental Protection Section has no environmental observations subject to ensuring that adequate sound insulation is provided to the first floor flat.

County Highway Authority has no comments to make.

5. Relevant Planning Policy

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The

NPPF contains a number of references to the presumption in favour of sustainable development. It states that local planning authorities should:

- approve development proposals that accord with statutory plans without delay; and
- grant permission where the plan is absent, silent or where relevant policies are out of date unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

The NPPF (Para 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 14 (Presumption in favour of sustainable development)
Paragraph 17 (Core Planning Principles)
Paragraph 19 (Building a strong, competitive economy)
Paragraph 23 (Ensuring the vitality of town centres)
Paragraph 32 (Promoting sustainable transport)
Paragraph 34 (Promoting sustainable transport)
Paragraph 123 (Conserving and enhancing the natural environment)
Paragraph 128 (Conserving and enhancing the historic environment)
Paragraph 129 (Conserving and enhancing the historic environment)
Paragraph 131 (Conserving and enhancing the historic environment)
Paragraph 132 (Conserving and enhancing the historic environment)
Paragraph 133 (Conserving and enhancing the historic environment)
Paragraph 134 (Conserving and enhancing the historic environment)
Paragraph 203 (Planning conditions and obligations)

The following policies of the adopted North West Leicestershire Local Plan are consistent with the policies in the NPPF and should be afforded weight in the determination of this application:

Policy S2 Limits to Development
Policy E3 Residential Amenities
Policy E4 Design
Policy R1 Central Shopping Areas
Policy R19 Acceptable Uses in Local Centres
Policy T3 Highway Standards
Policy T8 Parking

Other Policies

6Cs Design Guide (Highways, Transportation and Development) - Leicestershire County Council

The 6Cs Design Guide sets out the County Highway Authority's requirements in respect of the design and layout of new development.

Emerging North West Leicestershire Local Plan

On 15 September 2015 the District Council's Full Council considered a draft Local Plan and

resolved to approve the draft Local Plan for consultation. The policies listed below are considered relevant in the determination of this application. However, in view of the very early stage to which the draft Local Plan has progressed, only very limited weight can be attributed to its policies at this stage.

S1 - Presumption in favour of sustainable development

S5 - Design of new development

Ec9 - Town and Local centres: Hierarchy and management of Development

Ec11 - Town and Local centres: Primary Shopping Area - Non-Shopping uses

Ec13 - Primary and Secondary Frontages

6. Assessment

Principle of Development

The site lies within the Limits to Development of Coalville and is located within the Coalville Conservation Area. As no external alterations are proposed, the development would keep the active shop window frontage and would have visitors during the day and evening. Therefore, the proposal would not adversely affect the vitality, viability, character or function of the retail area and would, thus, be in accordance with Policies R1 and R19 of the adopted Local Plan. The principle of the development is considered to be acceptable but it is necessary to take into account other matters including design and heritage, residential amenity and highway considerations.

Design and Heritage Issues

No external alterations are proposed at the existing shop frontage. As such there would be no adverse impact on the character of the Conservation Area or the streetscene in general. The proposed development would, therefore, be in scale and character with its surroundings and would have no adverse impact on designated and non-designated heritage assets in accordance with Policy E4 of the Adopted Local Plan and the provisions of the NPPF.

Residential Amenity Issues

The buildings on High Street are occupied for a variety of uses including retail, restaurants and flats. The adjacent premises are in use as an estate agents and a shoe repair shop and there is a flat on the first floor above the proposed micro-pub. The use of the premises as a micro-pub would be unlikely to adversely impact on residential amenities due to the nature of the operation since there would be no loud intermittent noises from televisions, gaming machines, pool tables or sound systems. However, the Council's Environmental Protection Section recommends a condition in respect of sound insulation to protect the occupiers of the first floor flat. The size of the premises (some 56 sqm total) limits the extent of the operation, and if A4 use was granted it would be unlikely to be a suitable business prospect as a standard brewery pub.

Furthermore, the hours of operation would be Sunday to Thursday 11am to 11.30pm and Friday to Saturday - 11am to 12 midnight. These are considered to be overly restrictive in a town centre location and officers are of the view that opening hours of 9am to 11.30pm on Sunday to Thursday and 9am to midnight on Fridays and Saturdays would be more appropriate. These hours of operation would be unlikely to cause an unacceptable level of comings and goings to and from the site at unsocial hours.

A grant of permission for A4 (drinking establishments) use would mean that use classes A3

(restaurant/Café), A2 (professional and financial offices); and A1 (retail) could subsequently be implemented under permitted development rights. On the basis that the premises are in the Town Centre, and the size of the premises would limit many A4 use class operations, any of those uses would be appropriate and it is considered unnecessary to remove permitted development rights in relation to use class.

Due to the nature of the micro pub operation, and subject to appropriate conditions, the proposed development would have no adverse impact on the residential amenities of surrounding occupiers. Therefore the scheme is considered to be in accordance with the requirements of Policy E3 of the Adopted Local Plan.

Highway Issues

There is currently no off street parking available for the premises and this would not change as part of the proposed scheme. It is considered that the nearby public car parks and availability of public transport would be sufficient for users of the premises. The County Highway Authority has been consulted on the application and has no comments to make. As such the proposal would be in accordance with Policies T3 and T8 of the Adopted Local Plan.

Summary

The proposed micro pub operation would retain the scale and character of the existing building within the Coalville Conservation Area, and would have no adverse impact on the town centre shopping area, designated heritage assets, residential amenities or highways in accordance with Policies R1, R19, E3, E4, T3 and T8 of the Adopted Local Plan and the provisions and intentions of NPPF. The application is, therefore, recommended for approval.

RECOMMENDATION - PERMIT subject to the following condition(s):

- 1 The development shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The proposed development shall be carried out strictly in accordance with the following schedule of plans, unless otherwise required by a condition of this permission:

Site location plan 1:1250 deposited with the local planning authority on 6 October 2015;
Proposed floor plan (1:100) deposited with the local planning authority on 6 October 2015;

Proposed floor plan (1:50) deposited with the local planning authority on 6 October 2015;
Existing floor plan (1:50) deposited with the local planning authority on 6 October 2015.

Reason - To determine the scope of this permission.

- 3 The use hereby permitted shall not commence until internal noise insulation measures between the micro pub and the first floor flat above have been submitted to and agreed in writing by the Local Planning Authority. The agreed measures shall be provided in accordance with the agreed details and maintained as such.

Reason - To ensure against noise disturbance to the surrounding area or properties.

- 4 Operations or uses authorised under this permission shall be carried out within the application site only between the following times:

Between 0900hrs and 2330hrs Sundays to Thursdays;
Between 0900hrs and 0000hrs Fridays and Saturday.

An additional 30 minutes of opening will be permitted on the following days/dates:

- New Year's Day;
- Valentines Day;
- Thursday before Good Friday;
- Good Friday;
- Easter Saturday;
- Easter Monday;
- Sunday and Monday of all Bank Holiday weekends;
- St Patrick's Day;
- St David's Day;
- St George's Day;
- St Andrew's Day;
- 23rd to 30th December.

Reason - To ensure against noise disturbance to the surrounding area or properties.

Notes to applicant

- 1 As of 6th April 2008 written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97.00 per request. Please contact the Local Planning Authority on (01530) 454665 for further details.
- 2 The developers should note that this permission does not authorise any new shop front advertisement which may require advertisement consent. You may wish to contact the Local Planning Authority in relation to any new adverts which may be required.
- 3 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.