



Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 07/07/2020

COMMITTEE DATE 22/07/2020 **WARD** St Mary's

APP REF V/2020/0220

APPLICANT R Bluff

PROPOSAL Change of Use from A1- Retail to A4 - Bar

LOCATION 16, Brook Street, Sutton in Ashfield, Nottinghamshire, NG17
1AL

BACKGROUND PAPERS A, D, E

App Registered 17/04/2020 Expiry Date 27/07/2020

Consideration has been given to the Equalities Act 2010 in processing this application.

This application has been referred to Planning Committee by Cllr Helen-Ann Smith

The Application

This is an application for a change of use from A1 (Retail) to A4 (Bar)

Consultations

Site Notices have been posted together with individual notification of surrounding residents and relevant consultees. The following responses have been received:

Notts County Council Highways

Due to the parking availability within the town centre, the restrictions and controls in place for local residents and the nature of the use there is unlikely to be any harm to highway safety from the proposed use.

ADC Environmental Health

No objection in principle to the proposed use. However, it is suggested that conditions relating to plant/equipment, amplified & live music, and the opening of windows and doors are imposed. It is also suggested that opening hours are limited to 8pm due to the residential properties above the site.

Resident comments

No comments have been received from residents.

Policy

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

Ashfield Local Plan Review 2002

ST1 – Development

ST2 – Main Urban Area

EV10 – Conservation Areas

SH1 – District Shopping Centre

National Planning Policy Framework 2019

7 – Ensuring the vitality of town centres

12 – Achieving well designed places

Relevant Planning History

There is no relevant and recent planning history at the application site.

Comment :

The site and the application

The application site is a commercial unit located in a terrace of properties. It is located within the Sutton in Ashfield town centre and district shopping centre, as well as within the Sutton Market conservation area.

Residential amenity

There are residential units on the floors above the application site, above the next door unit and a residential unit further along the same terrace. There are also residential properties nearby on Morven Avenue. It is therefore important to consider what impact the proposed change of use would have on the amenity of these residential properties and consider whether conditions could reduce any impact to ensure the use is acceptable. The applicant has stated desired daily opening hours of 12:00 to 02:00, with a closing time of 24:00 on Sundays/Bank Holidays. Meanwhile, the Council's Environmental Health team have suggested that the use should not operate any later than 20:00 on any day.

The unit is located within the Sutton in Ashfield town centre, and although it is not in the very centre, it is within the district shopping centre and directly adjacent to the market square where the principle of a bar use is considered to be acceptable. In close proximity to the site is a ballroom and around the corner on Morven Avenue is a snooker club. There has previously been a public house opposite the site on the corner of the market square and there are several cafes and takeaways nearby. In addition there are various offices and retail units. Therefore, the area is currently lively with a general feeling of activity and liveliness for much of the day and into the evening. The proposed use is appropriate for such a town centre location, and any residents in the area would expect a certain, reasonable level of noise and activity.

Restricting the hours of operation to 20:00 would be too restrictive and would likely make the business unfeasible given that it will rely on customers visiting in the evenings. However, as there are residential properties immediately surrounding the site, should the use operate until 02:00 it is likely that this would lead to a significant level of disturbance above what could even be expected by residents living in this town centre location. There are no similar establishments in the vicinity that open to such late hours. Therefore, it is suggested that more appropriate closing hours would be 23:00 on Fridays/Saturdays and 22:00 on any other day. While residential properties nearby may be aware of customers when they are entering/leaving this would not continue into the very late hours of the day/night and the level of activity and disturbances this would create are considered to be acceptable given the location of the site and the existing level of typical activity in the area.

Due to the fact that there are residential properties directly above and above next door to the unit, it is considered necessary and appropriate for the applicant to undertake a noise assessment to gain a clearer understanding of the potential impact on these properties and provide mitigation where appropriate.

A condition restricting live and amplified music is also considered to be appropriate given that there is a residential property directly above the application site. Music would raise the noise output itself but would also possibly raise the volume of conversations and singing from customers to a level that may result in an unacceptable impact.

Other

No external alterations are included within the application and it is considered that the change of use will have no impact on the conservation area. Alterations to the shopfront or signage that require planning permission or advertisement consent would be assessed through separate applications.

The proposed development represents a new business being brought into the area and would fill a currently vacant unit within the town centre, helping to bring people into the area for social and leisure activities during the day and evening. This can be allocated weight in favour of the proposal.

Given the provision of car parking facilities in the area and the scale of the proposed use there are no concerns in regards to highway safety from the proposal.

Conclusion

The proposed use in principle is considered appropriate for the location of the application site subject to the imposition of conditions to ensure reasonable protection to the amenity of nearby residential properties. It is considered that the proposal represents an appropriate form of development, bringing a new business and leisure activity into the town centre. Therefore, conditional consent is recommended.

Recommendation: Conditional Consent

CONDITIONS

- 1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.**
- 2. This permission shall be read in accordance with the following plans: Proposed Floor Plan, received on 17/04/2020; Site Location Plan and Block Plan, both received on 06/04/2020. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.**
- 3. The use of the hereby permitted development for a bar shall not take place outside of the following hours:**
 - 12:00 to 22:00 Sunday to Thursday & Bank Holidays**
 - 12:00 to 23:00 Fridays & Saturdays**
- 4. No live or amplified music shall be permitted at any time without the written consent of the Local Planning Authority. This shall include, but is not limited to, live music/bands, speaker systems, television systems speakers, microphones and karaoke.**
- 5. Prior to the first operation of the hereby permitted use a noise assessment report shall be submitted to the Local Planning Authority. This report should assess the potential impact to residential properties directly above and next door above with consideration given to any insulation between respective the respective ceiling/floors. The report should detail any mitigation measures, their implementation and results where appropriate to the satisfaction of the Local Planning Authority.**

REASONS

- 1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.**
- 2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.**
- 3. To safeguard the amenities of residents living in the vicinity of the application site.**
- 4. To protect the amenity of neighbouring residential properties.**

5. To protect the amenity of residential properties in the vicinity of the application site.

INFORMATIVE

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
2. The applicant is encouraged to ensure any noise disturbances to neighbouring residential properties are kept to a minimum. It is suggested that all plant and equipment is maintained regularly, and the applicant is advised to ensure all customers are made aware of neighbouring residential properties when leaving the site late in the evening.