

Committee Report

Application No:	DC/17/00971/COU
Case Officer	David Morton
Date Application Valid	2 October 2017
Applicant	Mr Joseph McNestry
Site:	1 Millfield Terrace (Site Adj Masonic Hall) Derwent Street Chopwell NE17 7HZ
Ward:	Chopwell And Rowlands Gill
Proposal:	Change of use from Retail (A1 use) to Micropub (A4)
Recommendation:	GRANT
Application Type	Change of Use

1.0 The Application:**1.1 DESCRIPTION OF THE SITE**

The application site is located on Millfield Terrace, Derwent Street, Chopwell. The property is a two-storey, brick built, vacant unit; the previous use was as a shop (Use Class A1). The remainder of the unit is used as a Masonic Hall. The only attached neighbour, to the south, is in residential use.

1.2 The front elevation of the property faces west onto a small forecourt area, with residential properties located on the other side of Derwent Street. There is a small external area located to the north of the site which is accessed via side door. As reference above, there is a residential property located to the south of the site; this property is located at a marginally lower land level.

1.3 The application site is not located within an existing commercial centre.

1.4 DESCRIPTION OF THE APPLICATION

The application seeks full planning permission for the change of use of the premises from a shop (Use Class A1) to a micro-pub (Use Class A4). The application proposes minimal external alterations; the works would be limited to the introduction of a cellar hatch to the front elevation and the creation of an external smoking area. The application also references the introduction of signage (no signage application has yet been forthcoming).

1.5 The unit subject to the application is 27 square metres. It is proposed that the premises will operate between the hours of 1100 and 2200 seven days a week.

1.6 All deliveries and waste servicing will take place to the front of the premises via the proposed cellar access.

1.7 It is estimated that the change of use, would create approximately 2 part-time posts.

1.8 The following documents have been submitted in support of the application:

- Design and Access Statement
- Noise Information

1.9 RELEVANT PLANNING HISTORY

The planning history relevant to the current planning application is summarised as follows:

- 376/97; Planning permission granted for 'Conversion of shop (use class A1) to utility room for adjoining masonic hall including alterations to front elevation.' Date; 02 June 1997.

2.0 Consultation Responses:

None

3.0 Representations:

3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. A single letter of support has been received and is summarised as follows:

- The proposal will give residents a pub to visit and;
- Other micro-pubs in the area are successful and proposal is a good idea.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV61 New Noise-Generating Developments

RCL1 Retail Hierachy

RCL5 District and Local Centres

CS7 Retail and Centres

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

GPGSPD Gateshead Placemaking Guide SPG

5.0 Assessment:

5.1 The main planning issues are considered to be principle of the development, highways, impact on visual amenity and residential amenity.

5.2 PRINCIPLE

The application site is located outside of a defined retail centre.

5.3 Policy CS7 of the Core Strategy states that the vitality and viability of centres in the retail hierarchy will be maintained and enhanced. These centres will form the focal point for uses, services and facilities serving the surrounding population. In addition to meeting local needs, the role of the retail sector in attracting visitors and contributing to the economy will be supported.

5.4 It is considered, given the site is in an edge-of-centre location and that the proposed development would replace an existing town centre use, it could not be considered that the proposal would be prejudicial to the vitality and viability of Chopwell Local Centre (or any other defined centres). Further, the proposal would bring a vacant building back into permanent use, provide a community facility for local residents and provide employment opportunities.

5.5 It is considered that the development would comply with the aims and objectives of the NPPF, saved UDP Policy RCL5 and Policy CS7 of the CSUCP and the principle of the change of use is supported subject to all other material considerations being satisfied.

5.6 HIGHWAYS

Within the surrounding area, there is access to public transport and a large catchment area within walking distance. While there is no parking associated with the application site, there is some limited on-street parking within the surrounding area. It is considered that the level of traffic generated by patrons is unlikely to lead to any significant impact on the wider highway network.

5.7 The applicant has indicated that all deliveries and refuse collections would take place to the front of the premises using the proposed cellar hatch. Again, it is considered that the vehicle movements associated with these actions are unlikely to significantly impact on the wider highway network.

5.8 Based on the above assessment, it is considered that the proposal would comply with the aims and objectives of the NPPF and policy CS13 of the CSUCP.

5.9 VISUAL AMENITY

It is considered that the proposed development would not have an unacceptable visual impact on the streetscene given the limited external alterations proposed.

- 5.10 The proposal is considered to fully achieve the aims and objectives of the NPPF, saved policy ENV3 of the Council's UDP and policy CS15 of the CSUCP.
- 5.11 RESIDENTIAL AMENITY
The NPPF states that planning decisions should "avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development" and that decisions should "mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions."
- 5.12 It gives guidance to local authorities on the use of their planning powers to minimise the adverse impact of noise and outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which will generate noise.
- 5.13 As a reflection of the national planning policies and specific guidance of noise generating development, saved UDP policy ENV61 (new noise-generating development) states that new noise generating development will not be permitted if it causes an unacceptable increase in noise levels.
- 5.14 It is considered that the levels of coming and going associated with the development, in addition to the general operations of premises are unlikely to significantly impact on sensitive noise receptors. The applicant proposes that the premises will operate between the hours of 1100 and 2200 seven days a week and can accommodate (based on the size of the unit) a limited number of patrons.
- 5.15 The applicant has also provided additional information in regard to noise transfer between the application site and neighbouring property. While the information submitted by the applicant is not an accepted method to determine the sound reduction it is considered that it provides sufficient comfort that the proposal would not result in an unacceptable level of noise transference. As such, it is considered that the general operation of the proposed micro-pub would be unlikely to have any significant amenity impact, subject to the conditioning of the proposed opening hours (Condition 3).
- 5.16 However, the applicant has indicated their intention to use the external area (to the north) of the site as a smoking area; the applicant has indicated their intention for this area to include a table and seating. Officers have concerns about the introduction of furniture into this smoking area as it could encourage use of the area as a 'beer garden' increasing noise and disturbance to neighbouring properties. It is therefore considered necessary to condition that no furniture be installed outside of the premises (Condition 4).

- 5.17 In addition to the concerns regarding the proposed smoking area, Officers have some concern regarding the congregation of patrons to the front of the premises (while either smoking and/or drinking). On this basis, it is considered that the final details of the forecourt area including (where appropriate) details of the cellar access, planters and boundary treatments should be secured via planning condition (Conditions 5 and 6). The view being that the design of the forecourt area could reduce potential congregation of patrons adjacent to the boundary with the property to the south (Braeheads) thus reducing any impact (or perceived impact) on residential amenity.
- 5.18 Given the hours of operation proposed by the applicant it is not inconceivable that disposal of waste from the premises and deliveries could take place early in the morning or late into the evening, either of which have the potential to have some impact on amenity. To this end it is considered necessary to condition both the hours of deliveries and waste disposal (servicing) i.e. servicing of the premises should not take place between the hours of 1900 and 0900. It is considered that the imposition of such a planning condition (Condition 7) would adequately protect the amenities of noise sensitive receptors.
- 5.19 The applicant has also indicated their intention is to keep those patrons seeking '*... live sports, music and other entertainments within the area of existing bars.*' Therefore, it is considered the imposition of a planning condition restricting the playing of amplified music (or noise) within the premises (Condition 8) would be necessary and reasonable in this instance.
- 5.20 Subject to the conditions cited above, it is considered that the development would not result in a noise impact which would impact to an unacceptable degree on residential premises, therefore the proposal would achieve the aims and objectives of the NPPF and saved policies ENV61 and DC2 of the Unitary Development Plan and Policy CS14 of the CSUCP.

6.0 Conclusion:

- 6.1 Taking into account all the relevant material planning considerations into account, including the benefits of the scheme i.e. the re-use of a vacant building, the creation of a community facility and job creation it is considered that the proposed change of use is acceptable in the context of both Local and National planning policy.
- 6.2 It is therefore recommended that planning permission be granted subject to the planning conditions below.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the planning conditions as necessary:

The development shall be carried out in complete accordance with the approved plan(s) as detailed below -
OS Plan (1:1250) - Millfield Terrace
OS Plan (1:500) - Millfield Terrace

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

Reason

In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

2

The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3

The use hereby approved shall be restricted to between the hours of 1100 and 2200 seven days a week and at no other times.

Reason

To ensure that no disturbance is caused to neighbouring properties as a result of unreasonable trading hours at the premises in accordance with the NPPF, saved Policies, DC2 and ENV61 of the Unitary Development Plan and Policy CS14 of the CSUCP.

4

No seating, tables or any other furniture shall be introduced into the proposed smoking area (as identified to the north of the site on approved plan OS Plan (1:1250)).

Reason

To ensure that no disturbance is caused to neighbouring properties as a result of noise in accordance with the NPPF, saved Policies, DC2 and ENV61 of the Unitary Development Plan and Policy CS14 of the CSUCP.

5

The use hereby permitted shall not commence until final details of the forecourt layout including cellar access details, boundary treatment

details and planting feature details have been submitted to and subsequently approved in writing by the LPA.

Reason

To ensure that no disturbance is caused to neighbouring properties as a result of unreasonable noise levels at the premises in accordance with the NPPF, saved Policies, DC2 and ENV61 of the Unitary Development Plan and Policy CS14 of the CSUCP.

6

The forecourt layout details approved under condition 5 shall be implemented in full prior to the commencement of the use hereby permitted and shall be retained as approved for the lifetime of the development.

Reason

To ensure that no disturbance is caused to neighbouring properties as a result of unreasonable noise levels at the premises in accordance with the NPPF, saved Policies, DC2 and ENV61 of the Unitary Development Plan and Policy CS14 of the CSUCP.

7

No deliveries and/or refuse disposal (servicing) shall take place between the hours of 1900 and 0900.

Reason

To ensure that no disturbance is caused to neighbouring properties as a result of unreasonable trading hours at the premises in accordance with the NPPF, saved Policies, DC2 and ENV61 of the Unitary Development Plan and Policy CS14 of the CSUCP.

8

No amplified sound system or similar equipment shall be installed or used on the premises at any time.

Reason

To ensure that no disturbance is caused to neighbouring properties as a result of unreasonable noise levels at the premises in accordance with the NPPF, saved Policies, DC2 and ENV61 of the Unitary Development Plan and Policy CS14 of the CSUCP.



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