

Reference: 16/00016/COU
Date submitted: 11.01.2016
Applicant: Mr S Plews
Location: 11A Burton Street, Melton Mowbray, LE13 1AG
Proposal: Change of use to micro-pub.



Proposal :-

This application seeks permission for the change of use of a building from a shop to a Public House. The host building falls within Melton Town Centre and is located between a mixed uses of premises. The building is three storey with the ground floor previously used as a cafe, the use of the upper floors is not known.

It is considered that the main issues arising from this proposal are:

- **Compliance or otherwise with the Development Plan and the NPPF**
- **Impact upon the character of the area**
- **Impact upon Residential Amenities**
- **Impact upon Highways**

The application is required to be presented to the Committee because the applicant is an employee of Melton Borough Council.

History:-

No relevant history

Planning Policies:-

Melton Local Plan (saved policies):

Policy OS1 – allows for development within the village envelope provided that the form, character and appearance of the settlement are not adversely affect, the form, size, scale, mass, materials and architectural detailing of the development is in keeping with the character of the locality; the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity.

Policy BE1 - Siting and design of buildings: allows for new buildings subject to criteria including the design harmonising with the surroundings, no adverse impact on neighbouring properties by loss of privacy or outlook, adequate space around and between buildings being provided and adequate access and parking arrangements being made.

The National Planning Policy Framework introduces a ‘presumption in favour of sustainable development’ meaning:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: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 offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail. It also offers advice on the weight to be given to ‘emerging’ policy (i.e. the LDF) depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

It also establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- Proactively support sustainable economic development to deliver homes and business that local areas need;
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Deliver sufficient community and cultural facilities and services to meet local needs;
- Conserve heritage assets in a manner appropriate to their significance

On Specific issues it advises:

Building a strong competitive economy

- Planning should encourage growth, not prevent it and should plan proactively to encourage economic growth
- The planning system does **everything it can** to support sustainable economic growth.
- Planning should operate to encourage and not act as an impediment to sustainable growth.
- **Significant weight** should be given to the need to support economic growth.

Require Good Design

- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Conserving and enhancing the historical environment

- In determining planning application, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and
- The desirability of new development making a positive contribution to local character and distinctiveness.
- Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighted against the public benefits of the proposal, including securing its optimum viable use.

This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF para. 12)

Consultations:

Consultation reply	Assessment of Head of Regulatory Services
<p>Highways Authority: No objection to the proposal</p>	<p>There is currently no parking associated with the existing unit, and no parking is proposed for the change to micro-pub.</p> <p>The unit falls within the town centre with several car parks available close by, the change of use to the unit will not impact upon the parking of the surrounding area.</p> <p>There are considered to be no grounds to resist permission based on highways issues.</p>
<p>Environmental Protection: No objection to the proposal subject to conditions</p> <p>The public house hereby approved shall not open outside the hours of 1000 to 2300 and no deliveries shall take place outside of these hours.</p> <p>Before any amplified music is played in relation to the use hereby approved, details of sound installation for the building, including a timetable for completion of the works, shall be submitted to and approved in writing by the local authority.</p>	<p>Noted, the premises will have to abide by legislation falling outside of the planning remit for instance licensing, Environmental Protection have been consulted and have assessed the potential impact on residential amenity, the proposal does not include any provision for amplified sound and restricts the opening hours to ensure there is not detrimental amenity to the occupants of nearby residential dwellings. requirements.</p> <p>There are considered to be no grounds to resist permission based on Environmental Protection grounds.</p>
<p>Building Control: No objection to the proposal.</p>	<p>Noted.</p>

Representations:

A site notice was posted and neighbouring properties consulted. As a result **24 letters of support and 1 letter of objection has been received**; the representations are detailed below:

Representations	Assessment of Head of Regulatory Services
<p>Impact upon the Character of the Area</p> <ul style="list-style-type: none"> • If successful the street scene of a rural retail market town environment will inevitably be compromised. 	

<ul style="list-style-type: none"> • The building concerned is listed; our premises next door have a blue plaque affixed to the end wall outlining a fascinating past history and connection with Beau Brummell, the famous Regency personality. The property in question has an old shop front, window and fascia, constructed long before any development of this type would have been envisaged and the accompanying increase in traffic flow created – depredation is bound to occur. • An application for change of use of such a building must be viewed carefully in view of its importance historically and the suitability of what is proposed should fit the profile of the building. A micro-pub would certainly not do this. 	<p>11 Burton Street Melton is a Grade II listed building and the site is situated within the Conservation Area, however there are no alterations to the historical fabric of the building proposed and any external alterations including signage would need to be considered through a separate planning application.</p>
<p>Impact upon Highway Safety:</p> <ul style="list-style-type: none"> • The area outside our premises already suffers from bad traffic congestion due to the number of huge heavy goods vehicles parking on the yellow lines whilst unloading at existing businesses. A micro-pub can only exacerbate an already difficult situation which the police and traffic authorities are constantly monitoring. • Pedestrian safety is already seriously compromised by the parking issues outlined above. • Delivery vehicles have to partially park on the pavement to avoid compromising traffic flow. • Pavement width is substantially reduced for pedestrians, especially those in motorised wheelchairs and mothers with babies in prams and pushchairs who frequently have to go on to the road to avoid the obstructions. • Concomitant with the parking issues is the amount of damage caused to the pavement by heavy vehicles. This has to be made good to avoid further potential for pedestrian injuries thereby incurring costs for the council and therefore to council tax payers. • The pavement in question is the major walkway linking the town centre to the Mill Street Car Park which obviously creates a significant volume of footfall. Pedestrians will undoubtedly be affected by the creation of a business of the proposed kind. 	<p>The Local Highway Authority have raised no objections to this proposal, information sought from the applicant confirms that beer will be wheeled around from a brewery to the rear of the Noel's Arms, no lorries will be delivering to the premises.</p> <p>The change of use from café to micro-pub is considered to have a neutral effect on the highways.</p> <p>There are considered to be no grounds to resist permission based on highways issues.</p>

<p>Other Considerations</p> <ul style="list-style-type: none"> - There is no rear exit to the proposed micro-pub premises – this represents a serious danger should fire break out. - The premises provide nowhere for smokers to stand, apart from outside on the pavement or in the doorway shared with the adjoining grocery outlet resulting in both nuisance and litter problems to the detriment of other businesses. - There is nowhere to store wheelie bins awaiting collection other than on the premises themselves, creating an unclean environment and potential health hazard. - On refuse collection day the only place wheelie bins can be placed will be out on the pavement potentially causing further congestion for pedestrians, especially as the pavement narrows outside the proposed micro-pub. - Existing public houses have already been hit by falling demand during the recent period of austerity 	<p>There is no change to the layout of the unit, with users of the micro-pub seated in the front of the building and having access out of the building readily available.</p> <p>The applicant has been advised that it would be preferable to supply some form of smoking bin for the building, however this is not something than can be secured through planning conditions.</p> <p>Information provided by the applicant has indicated that very little waste will be created by this use and certainly not to an industrial scale where wheelie bins are required.</p> <p>Whilst these comments are noted, the NPPF encourages the re-use of vacant buildings and invites opportunities for additional contributions to economic growth.</p>
<p>Letters of support received</p> <ul style="list-style-type: none"> - More choice of venue - Encourage small local business - Attract different type of visitor to the town - Contribute additional trade to other businesses e.g. Restaurants, Taxi's etc... - Promoting food and drink in food capital for the East Midlands. 	<p>The NPPF strongly encourages a varied economy, the change of use is an encouragement of Melton's vitality and will provide a unique service in a previously vacant unit, contributing to the economy of Melton Town Centre and creating a passing trade for other businesses in the Town.</p>

Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
Compliance (or otherwise) with Planning Policy	The NPPF is a material consideration which postdates the local plan and is supportive of economic development. In terms of its promotion of economic growth, the NPPF requires that planning should do "everything it can" to encourage economic development and advises that "significant weight" should be assigned and as such it is considered to weigh substantially in favour of the proposal.

	<p>The proposal has not generated an objection from the Highways Authority given that no additional commercial floor space will be created.</p> <p>The proposal is considered to comply with the local plan policies OS1 and BE1 which are considered to be in compliance with the NPPF in protecting the character of areas, respecting neighbouring residents with no severe impacts upon highway matters.</p>
Impact upon Residential Amenity	<p>It is noted that ground floor uses in the area are largely commercial; however, it appears that there is potential for there to be a number of residential properties above the units too.</p> <p>Whilst it is acknowledged this use may cause a small number of people to be present on the street, the hours of opening combined with no amplified music will ensure there is no disturbance to any nearby residential property. This can be controlled by means of a condition.</p>

Conclusion

The existing unit is currently vacant and the principle of development is supported in that it would bring an empty unit back into a commercial use, which would contribute to the local economy. Furthermore, the application site falls within Melton Town Centre and is not within a primary or secondary shopping frontage. As such the proposed use is acceptable in principle.

The application site falls within in a Conservation Area and 11 Burton Street is a Grade II listed building, there would however be minimal alteration to the building with no changes at present to the existing shopfront as such the proposal would not be detrimental to the character and appearance of the area.

In terms of residential impact, the applicant does not propose any amplified sound with a condition requiring the submission of details, should this later be requested. The hours of opening and deliveries have been conditioned to ensure that there is no disturbance to occupants of nearby residential dwellings during night time hours.

As such, the proposal is considered to meet the objectives of policies OS1 and BE1 of the Melton Local Plan, and the relevant sections of the NPPF. Accordingly the proposal is recommended for approval.

Recommendation: PERMIT, subject to:-

(a) The following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission
2. The proposed development shall be carried out strictly in accordance with the proposed ground floor plan dated 01.01.2016
3. The public house hereby approved shall not open outside the hours of 1000 to 2300 and no deliveries shall take place outside of these hours
4. Before any amplified music is played in relation to the use hereby approved, details of sound installation for the building, including a timetable for completion of the works, shall be submitted to

and approved in writing by the local authority.

Reasons:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt
3. For the avoidance of doubt
4. To prevent unreasonable noise disturbance in the interests of neighbouring properties.

Officer to contact: **Miss L Parker**

Date: 26th February 2016