

Application Ref: 16/01209/FUL

Proposal: Change of use from A3 to A4 (Drinking Establishment) specifically a Micro Pub. Refurbishment of vacant shop unit, installation of internal accessible toilet and creation of a cool room with associated condenser unit to rear of property.

Site: 78 Storrington Way, Werrington, Peterborough, PE4 6QP

Applicant: Mr Steven Williams

Agent: N/A

Referred by: Councillor Fower

Reason: Noise and disturbance to residential amenity

Site visit: 6 July 2016

Case officer: Mr M Roberts

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Recommendation: **GRANT** subject to relevant conditions

1 Description of the site and surroundings and Summary of the proposal

The site and surrounding area

The application site is located within a small row of shops units with two storey flats above. There are 6 shop units in the row. These are, from east to west, a barbers, a newsagent, a laundrette, a hot food takeaway, vacant unit, i.e. no.78 and a hot food takeaway. There is a wide pavement area to the front of these shops with parking spaces for 3 vehicles to the front. The main car park of the shopping parade is to be to the north-east/east of the building. This parking area does not have any marked out spaces. It is accessed off Storrington Way. The shops have a narrow service road to the rear which connects to Storrington Way and Amberley Slope. The occupiers of the flats gain access from staircases to the rear where the service road is. The existing shop front is clear glazed.

The nearest residential properties to the site are no.5 Corfe Avenue, 26m away and no.85 Storrington Way that is 29m away. These are located to the south and south east of the site respectively. All of the other close by dwellings to the front of the unit are at least 35m away from the site.

The ground floor area of the application unit is 100sq.m, including in this figure is a small rear yard area. It is separated from the rear yard area of the hot food takeaway to the east by a small amount of tall picket style fencing.

The Proposal

The proposal is to convert the ground floor of no.78 Storrington Way to a 'micro' pub. The previous use was a restaurant that falls within class A3 of the Town and Planning (Uses Classes) Order 2015. The proposed use is within Class A4. The applicant has described a 'micro pub' as a scaled down version of a typical public house. It will not contain televisions, nor live or amplified music, no juke boxes and there would be no entertainment provided (albeit that these are in the main under licencing control rather than planning). The hours of use are proposed to be 15:00 to 22:00 Monday to Friday, 12:00 to 22:00 Saturdays and 12:00 to 20:00 Sundays. An indicative seating arrangement was submitted that shows that 40 people could be accommodated within the drinking area, with a small space for standing. The customer floorspace will be 43.5sq.m.

There are to be two toilets one of which will be accessibility standard in terms of design. The servery area is shown to be to the rear of the drinking area. Further back is to be a cool room and a store. The cool room requires an external refrigeration unit that is proposed to be located on the east facing wall that is to face into the rear yard. A door in the rear elevation of the unit will be used to service the pub, such as for the delivery of the drinks. There is a rear courtyard area along side. This has a floor area of 13sq.m.

2 Planning History

No relevant planning history

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

The following Development Plan Policies are relevant in the determination of the application:-

The Peterborough Core Strategy:

CS15 – Retail

The thrust of this policy is to stimulate and regenerate retail growth where necessary within the District in Local Centres.

CS16 – Urban Design and the Public Realm

Design should be of high quality, appropriate to the site and area, improve the public realm, address vulnerability to crime, be accessible to all users and not result in any unacceptable impact upon the amenities of neighbouring residents

The Peterborough Planning Policies DPD:

PP03 – Impacts of New Development

Permission will not be granted for development would which result in an unacceptable loss of privacy, daylight, opportunities for crime and disorder, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution

PP12 – The Transport implications of development

Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

PP13 – The parking standards

Permission will only be granted if appropriate parking provision for all modes of transport is provided.

Peterborough Local Plan 2016 to 2036 (Preliminary Draft)

This document sets out the planning policies against which development will be assessed. It will bring together all the current Development Plan Documents into a single document. Consultation on this document ran from 15 January to 25 February 2016.

At this preliminary stage the polices cannot be afforded any weight with the exception of the calculation relating to the five year land supply as this is based upon the updated Housing Needs Assessment and sites which have planning permission or which are subject to a current application. Individual policies are not therefore referred to further in this report.

4 Consultations/Representations

PCC Pollution Team

No comments received

PCC Transport & Engineering Services – No objection

The LHA are of the view that the change of use will not result in an intensification of use in terms of additional parking requirements or an increase in vehicles travelling to and from the site on a daily basis.

Werrington Neighbourhood Council – Support subject to conditions

They are supportive of an additional community facility, and it would appear that there may be little adverse impact upon the flats above however they anticipate that the residents of the flats will be concerned about significant additional external night time noise. A normal pub would not be acceptable in this location. It is appreciated that the use will require a licence and the management of the customers would be a consideration under that process. If this can be done we would strongly request that the consent is made personal to the applicant as the acceptability of the proposal is very dependent on the specific nature of their proposal and intent. Any other party could use the consent in a different way which might not be appropriate to that location.

Clr Fower

There is a concern that the proposed use would have an adverse impact upon the amenities of the residents of the close by residential properties.

Local Residents/Interested Parties

Initial consultation: 21

The following responses were not all from those consulted of the application.

Total number of responses: 20

Total number of objections: 3

Total number in support: 17

17 representations have been submitted in support of the application on the grounds that:-

- The clientele would be mainly mature people
- The lack of televisions, amplified music and live singers/bands
- The principle drink would be cask ales
- The pub could only accommodate a small number of people
- The pub would be on a local bus route
- Parking is available
- The use would be a good alternative to the more traditional public houses
- The pub would be something different for the row of shop
- The pub would make use of a vacant shop unit
- The use would improve the security of the immediate area
- These pubs would not attract people bent on getting drunk. Such pubs attract those people who enjoy drinking.
- The use would act as a deterrent to the young people who frequent the front areas of the shopping parade during the evening
- The use would have a positive impact upon the viability and vitality of the existing businesses in the shopping parade
- There has been a decline in the number of pubs in the area

3 representations have been submitted objecting to the proposal on the grounds that:-

- Parking problems
- Litter
- Noise
- Anti-social behaviour
- The use of the rear yard for drinking would adversely impact upon the occupiers of the flats above

- The proposal indicates that tables and chairs would be located outside the front of the unit. These would obstruct a footpath that runs along the whole of the shopping parade.
- There will be noise from the drinkers leaving the premises to the detriment of the occupiers of the flats and the local residents.
- Youngsters regularly congregate to the front of the units creating noise and disturbance. The use of the application property as a pub would worsen the situation.

A petition has been submitted signed by 130 people opposing the proposal on the grounds that –

- This is a residential area with children playing and many elderly residents.
- There are 3 pubs about a mile away within the village and all suffering a loss.
- With every business selling alcohol there is litter, noise and bad behaviour. These are unreasonable within an area where people live and sleep.

5 Assessment of the planning issues

Principle of the development

Public Houses are common within Local Centres. Examples of this include the Cock Inn, Lincoln Road Werrington, the Dragon off Hodgson Avenue in Werrington, The Crab and Winkle, Lincoln Road Werrington and The Harrier in Gunthorpe.

Policy CS15 of the Peterborough Core Strategy aims to encourage new businesses within Local Centres to maintain and enhance viability and viability of these Centres and to cater for the needs of a community. Whilst not a retail use the proposed use does represent a community facility and will add to the range of uses at the centre.

It is concluded that the principle of the use is acceptable subject to conditions.

Impact upon the amenities of the occupiers of the close by residential properties

The previous use of the unit was a restaurant with no conditions on the hours of use. The use proposed with the hours of opening conditions is not considered likely to have any greater impact than the existing authorised use in terms of noise and disturbance to adjacent or nearby residents.

Officers do consider that the rear yard area should not to be used for drinking as this could cause amenity issues and so a condition is therefore proposed restricting the yard for deliveries.

Concern has been raised with respect to the potential noise generated by the clientele use when leaving the premises. The shopping parade also comprises two hot food takeaways and it would not be expected that the clientele of the 'micro' pub to generate any greater noise compared to the customers of the two takeaways or the original restaurant use.

Highways issues

As the application unit is located in a Local Centre there is no requirement for the use to provide more car parking to serve the use. There are existing parking spaces to the front and to the east of the shopping parade to serve the businesses. The local area is on a bus route. Whilst Highways have requested cycle parking, the proposed use does not generate any greater need than the existing use. In any event there is no location in the control of the applicant where cycle parking could be located (the yard is not suitable as this needs to be a secure / operational area).

The Werrington Neighbourhood Council have asked that if the application is approved the use should be personal to that of the applicant. Their comments have been considered. However, in this case the use is to be very tightly conditioned that a personal consent would not be necessary. The use has been considered that it will not have an adverse impact upon residential amenity. To secure this the proposed conditions will tightly control the use such as within conditions 2,4, and 5

of the recommendation of the application for approval. These will restrict noise from within the unit, no drinking outside of the unit, details of the refrigeration unit and no drinking in the rear yard area.

6 Conclusions

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

- The proposed use would not adversely impact upon the amenities of the residents of flats above the row of shop units of which the applicant unit is a part or the amenities of the occupiers of the residential properties close by in accordance with policy CS16 of the Peterborough Core Strategy and policy PP3 of the Peterborough Planning Policies DPD
- The use of the premises as a 'micro' pub is acceptable within the shopping parade, as defined as a local centre in the Peterborough Development Plan. This would be to the benefit of the viability of the other businesses in the shopping parade in accordance with policy CS15 of the Peterborough Core Strategy
- There is adequate space to accommodate the vehicles that would be generated by the customers of the micro pub in accordance with policy PP13 of the Peterborough Planning Policies DPD.

7 Recommendation

The case officer recommends that Planning Permission is **GRANTED** subject to the following conditions:

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

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

- C 2 The 'micro' pub use hereby approved shall be open for business solely during the following times:

- 15:00 hours to 22:00 hours Monday to Friday
- 15:00 hours to 22:00 hours Saturdays
- 15:00 hours to 20:00 Sundays and Bank Holidays

Reason: In the interests of the amenities of the occupiers of the flats above the shopping parade and the occupiers of the close by dwellings in accordance with policy CS16 of the Peterborough Core Strategy and policy PP3 of the Peterborough Planning Policies DPD.

- C 3 The development hereby approved shall be implemented wholly in accordance with the following details:

- drawing no.528-06 - floor plans and elevations
- drawing no.528-07 - floor plans and location plans

Reason: For the avoidance of doubt

- C 4 Prior to the first use of the premises as a 'micro' pub details of the sound levels generated by the external refrigeration unit shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall accord with the approved details.

Reason: In the interest of the amenities of the occupiers of the flats above the shopping parade and in the general amenities of the area in accordance with policy CS16 of the Peterborough Core Strategy.

C5 Notwithstanding the submitted information the rear yard area of the building shall not be used by customers.

Reason: In the interests of the amenities of the occupiers of the flats above the shopping parade and those dwellings close by in accordance with policy PP3 of the Peterborough Planning Policies DPD

Copies to: Cllr Andrew Bond, Cllr Julia Davidson and Cllr Darren Fower