



**Ashfield**  
DISTRICT COUNCIL  
**MAP SCALE 1: 1250**  
**CREATED DATE: 12/09/2019**

**COMMITTEE DATE**    25/09/2019                      **WARD**            Hucknall West

**APP REF**                      V/2019/0401

**APPLICANT**                      B Willows

**PROPOSAL**                      Change of Use from Retail (A1) to Micropub (A4)

**LOCATION**                      L W Cotton News, 57, Nabbs Lane, Hucknall, Nottingham,  
NG15 6NT

**WEB-LINK**                      <https://www.google.com/maps/@53.0325159,-1.2292048,18z>

**BACKGROUND PAPERS**    A, C, E

App Registered: 28/06/2019

Expiry Date: 02/10/2019

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

***This application has been referred to Planning Committee by Cllr. Baron to discuss noise and disturbance to neighbouring residents and highway implications.***

### **The Application**

This is an application for the change of use of a vacant retail unit (A1) into a micropub (A4). The change of use applies only to the ground floor of the premises.

The application premises comprises of a mid-terraced property, located within an existing shopping precinct on Nabbs Lane.

Directly adjacent to the site are two further retail units, one of which is presently vacant. Located at first floor level of the application premises is an existing commercial use. Residential flats are also understood to exist at 55 and 59 Nabbs Lane at first floor level.

Surrounding the site to the north, east and west are residential properties, whilst to the south is the existing Nabb Inn Public House.

### **Consultations**

Site Notices have been posted together with individual notification to surrounding residents.

The following consultation responses have been received:

***Resident Comments:***

8x Letters of objections have been received from local residents in respect of the following:

- Increased noise disturbance
- Disturbance from comings and goings
- Increased anti-social behaviour and vandalism
- Smoke disturbance
- Increased on-street parking
- Increased traffic and highway safety implications
- Proposed opening hours not acceptable
- Bad example for school children
- No need for two drinking establishments within such close proximity

1x Letter of support has been received from a local resident in respect of the following:

- Reverse the trend in pub closures
- Appeals to different clientele (ambience without food and children)

***ADC Environmental Health:***

The application site is located within an area occupied by commercial and residential uses. The proposal does have the potential to create noise, however these can be mitigated against. There are therefore no objections against the proposal, subject to conditions to mitigate against noise disturbance.

**Policy**

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

**National Planning Policy Framework (NPPF) 2019:**

- Part 6 – Building a Strong, Competitive Economy
- Part 8 – Promoting Healthy and Safe Communities
- Part 9 – Promoting Sustainable Transport
- Part 12 – Achieving Well Designed Places

**Ashfield Local Plan Review (ALPR) 2002:**

- ST1 – Development
- ST2 – Main Urban Area
- SH8 – Commercial/Retail Development

**Relevant Planning History**

**V/1977/0006**

Details: Erection of 6 shop units with living accommodation above and a block of 6 garages.

Decision: Conditional Consent

## **V/2012/0455**

Details: Change of use from residential flat (C3) to office (B1).

Decision: Conditional Consent

### **Comment:**

The application site is located within the main urban area of Hucknall, where the principle of development is considered acceptable, as set out within policy ST2 of the ALPR 2002.

The main issues requiring consideration is the principle of development, and the impacts of the proposal on visual amenity, residential amenity and highway safety.

### ***Principle of Development:***

This application seeks full planning consent for the change of use of a vacant retail unit (A1) to a 'micropub' drinking establishment (A4). Previous planning history for the premises does not include any drinking or food establishments. The property has historically been used for retail purposes.

The Micropub Association defines a 'micropub' as "*a small freehouse which listens to its customers, mainly serves cask ales, promotes conversation, shuns all forms of electronic entertainment and dabbles in traditional pub snacks*". It is imperative to note however that should the application be approved, it would not be conditioned entirely to this affect, and the premises would be able to operate within the usual parameters of an A4 drinking establishment (unless conditioned otherwise).

With regard to economic viability, the proposed drinking establishment will result in the creation three new jobs for the local community, whilst bringing back into use a vacant retail unit. This therefore runs in accordance with Part 6 – Building a Strong, Competitive Economy of the NPPF 2019.

With this, the proposal will also have community benefits. Part 8 – Promoting Healthy and Safe Communities of the Framework states in Paragraph 92, that to deliver the social, recreational and cultural facilities and services the community needs, planning decisions should, amongst other things, plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.

Submitted plans indicate a small bar area, a drinks cellar and toilet facilities. Due to the size and scale of the micropub, it is considered that the proposed drinking establishment would have no significant detrimental impact upon the vitality of the existing drinking establishments within the locality.

### ***Visual Amenity:***

The application premises is located in a row of terraced commercial units in a small shopping precinct. The existing shop front is to be retained as part of the proposal,

with the only alterations proposed being a new fascia sign above the shop front, and the installation of a small receptacle for the disposal of cigarettes.

Due to the siting of the building up to the edge of a hard surfaced public area, the applicant has confirmed that the storage of refuse and empty bottles etc. will be located within the existing rear yard which is accessed via Babbacombe Way.

It is considered that due to the nature of the application, the proposal will have no significant detrimental impact upon the character of the street scene or on the visual amenity of the area, and will bring a vacant unit back into use.

***Residential Amenity:***

Concerns have been raised by local residents in respect of associated noise and disturbances.

As previously mentioned, the premises is located within a row of commercial properties. It is understood that there are residential flats at first floor level at 55 and 59 Nabbs Lane, whilst directly above the application premises is a commercial office.

In addition to the neighbouring residential flats, further residential dwellings are sited to the north, east and west approximately 30m from the application premises, whilst to the south is the existing Nabb Inn Public House, located just under 20m from the application site.

Careful consideration has therefore been given to the impact that the micropub would have on neighbouring residential flats and other neighbouring residents.

In regards to residential amenity, no electronic forms of entertainment are proposed. The internal layout plan also illustrates that the micropub will be small in size, and therefore does not have the internal capacity to facilitate a large quantity of people.

Whilst the impact of noise on neighbouring residential properties is considered to be limited, a condition could be attached to any approval for the applicant to submit a sound test, and where necessary, details of means of insulation against the transmission of noise associated with the proposal, prior to the use commencing. Such a condition would ensure that the neighbouring residential flats and other nearby residential properties are afforded a satisfactory level of amenity. There will also be no hot food served at the micropub, so this will limit odours arising from the premises.

To further reduce any noise disturbance to neighbouring residents, a condition could be imposed as part of any approval restricting the placement/installation of tables and chairs externally.

Within 20 metres of the premises is an existing drinking establishment, which functions on a much greater scale and incorporates activities such as live music, the serving of hot food, outdoor seating and children's outdoor play equipment.

No objections have been received from the Council's Environmental Protection Officer subject to condition stating that no amplified music or entertainment events can take place at the premises. Further conditions, relating to opening hours, delivery hours, external lighting and ventilation have also been requested.

In respect of opening hours, the micropub is proposed to be open Monday to Sunday, including bank holidays, until 11:00pm, as per the application form. This closing time is considered acceptable given the location of the premises, and would run concurrently with the closing time at the nearby Nabb Inn.

The applicant has confirmed that the micropub will open from 9:00am to allow the owner of the establishment to exploit the increasing market demand for teas and coffees in the earlier part of the day. An opening time of 9:00am is considered to be acceptable, given that the previous use of the building would have been operating from this time.

Local residents have also raised concerns regarding the increased likelihood of incidences of anti-social behaviour, such as fighting and vandalism, arising from the change of use. As already stated, the micropub will be a small scale establishment with limited capacity. Subsequently, the increase in anti-social behaviour arising from the proposed change of use is considered to be negligible.

***Highway Safety:***

Concerns have been raised by residents in respect of increased traffic and on-street parking arising from the proposed development.

In terms of potential parking, there is an area to the north of the site comprising of space for approximately eight off-street parking spaces which patrons could utilise when visiting the premises. It is considered that the use of these spaces by patrons would have a negligible impact on the availability of parking the customers/clients of the other commercial uses within the precinct, given that the majority of trade at the micropub is likely to take place during late afternoon and evening when the neighbouring commercial uses are predominantly closed.

The application premises is located within close proximity to regularly serviced bus stops, with the last bus operating beyond the proposed closing time.

It is therefore considered that the proposal will result in no significant increase in on-street parking in the locality, nor would it lead to an unacceptable impact on highway safety or capacity in this location given the overall scale of the proposed use.

**Conclusion:**

Overall, due to the location, size and nature of the proposal, it is considered that the proposed change of use will not have a significant detrimental impact on the amenity of local residents through noise and odour disturbance, nor will the proposal result in a likely increase in incidences of anti-social behaviour. Additionally, there are no highway concerns in respect of this application.

The proposal will result in bringing a vacant unit back into use within a small shopping precinct, and will also create new employment opportunities within the local community.

Approval is therefore recommended for this application, subject to the below conditions:

**Recommendation: Grant 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: Site Location Plan, Drawing No. 19.05.04b, Received 29/08/19; Proposed Ground Floor Layout & Elevations, Drawing No. 19.05.01a, Received 24/06/19. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.**
- 3. No sound amplifying equipment, loudspeaker or public address system shall be installed/operated within the premises hereby approved.**
- 4. Prior to the implementation of the permission hereby granted, a sound test shall be carried out, and accord with Part E of Building Regulations. The sound test shall be submitted to and approved in writing by the Local Planning Authority. Where the results of the sound test do not accord with Part E of Building Regulations, details of the means of insulation against the transmission of noise and vibration to the adjoining property or properties shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the implementation of the permission hereby granted.**
- 5. The use of the hereby permitted development for a micro pub shall not be open for business outside of the following hours:**

**9.00am to 11.00pm Monday to Sunday (Including Bank Holidays)**

6. **No external lighting shall be installed unless a scheme has been submitted to, and approved in writing by the Local Planning Authority.**
7. **No tables or seating shall be sited externally to the front or rear of the application premises.**
8. **The access door to the rear shall not be used by customers to access or egress the premises at any time.**
9. **The service yard to the rear of the premises shall not be used by customers at any time.**
10. **The deliveries to and from the premises, including refuse collection, shall not take place outside the following hours:**  
  
**8:00am to 6:00pm Monday to Friday**  
  
**10:00am to 4:00pm Saturday**  
  
**No deliveries, including refuse collection, shall take place on Sundays or Bank Holidays unless agreed by the 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 safeguard the amenities of residents living in the vicinity of the application site.**
5. **To define the terms of this permission and to safeguard the amenities of residents living in the vicinity of the application site.**
6. **To safeguard the amenities of residents living in the vicinity of the application site.**
7. **To safeguard the amenities of residents living in the vicinity of the application site.**



- 8. To safeguard the amenities of residents living in the vicinity of the application site.**
- 9. To safeguard the amenities of residents living in the vicinity of the application site.**
- 10. To safeguard the amenities of residents living 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).**