

Southwell Town Council Planning Committee objects to the application to extend licencing hours to McCarroll's Barbers shop on the grounds of public nuisance.

The Clerk to this Council and individual Ward Councillors wrote at the time of a previous application for an extension of hours expressing their concerns. It was noted that licencing conditions had been broken on numerous occasions, there was loud music, the shop door was left open, there was no designated smoking area so people spilled out on to the street exacerbating the noise problem and causing distress to members of the public trying to walk along the pavement. There had been numerous complaints of rowdy behaviour and noise nuisance from the loud music. Often drinks continued to be served beyond 21.00.

Nothing has changed since the previous application for an extension was refused.

The Council has always been concerned that once the original licence was granted that these premises would end up as a "Bar by stealth". The current opening hours for the bar are outside those of the barbers side of the business, thus confirming those concerns.

The potential for harm was identified by the Planning Inspector who heard the appeal following the refusal of the planning application for a change of use from a barbers to a mixed use barbers and drinking establishment.

In his report the Planning Appeal Inspector said:-

Noise falling short of a public or statutory nuisance may nevertheless cause unacceptable harm to a neighbour's living conditions. In order to safeguard living conditions, I am satisfied that an opening hours condition is necessary, relevant to planning and relevant to the use to be permitted. Whilst other, indeed longer hours have been suggested, subject to what I have to say about Sundays, it is reasonable to specify a closing time equivalent to that on the premises licence, namely 21:30.

Later the Inspector noted:-

That said, the appellant states that the bar use never operates when the hairdressers/barbers is not also open for business. A condition could reasonably require this to further limit the extent of the bar use, in the interests of neighbours' living conditions.

His decision was thus:-

The appeal is allowed and planning permission is granted for the change of use of the ground floor premises at 32 King Street, Southwell, NG25 0EN from a hairdressers/barbers (Use Class A1) to a mixed use as a hairdressers/barbers and drinking establishment in accordance with the terms of the application, Ref 19/01780/FUL, dated 27 September 2019, and the plans submitted with it, subject to the following conditions:

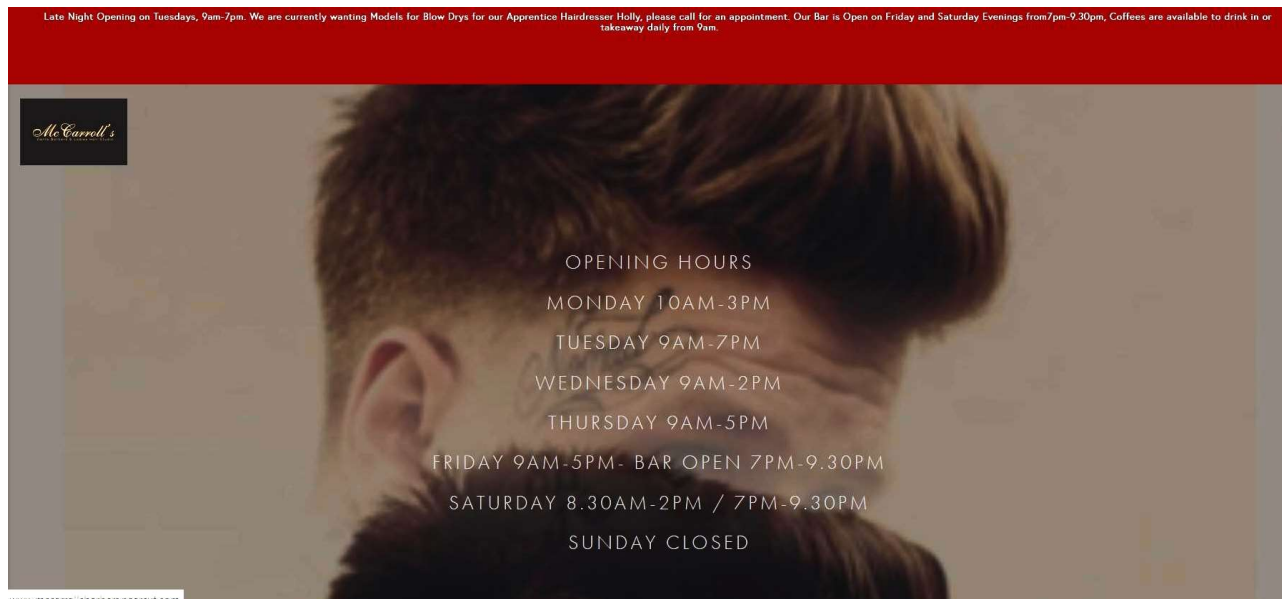
*1) The use hereby permitted shall not be open to patrons or customers outside the following hours:
09:00 – 21:30 Mondays – Fridays*

08:30 – 21:30 Saturdays

12:00 – 16:00 Sundays

2) The premises shall not be open to patrons or customers as a drinking establishment unless they are also open to customers as a hairdressers/barbers.

The first sentence is certainly not the case now, even if it was then, as the screenshot from the applicant's website shows that the barbers opening times and the bar opening times do not overlap..



Hours of opening thus do not comply with the planning appeal decision.

**There are inconsistencies between the planning and the Licence conditions. The latter state:-
All scissors and other tools used in the cutting of hair to be stored away in a locked storage from 8pm.**

To comply with the planning conditions would mean that the bar would have to shut at that time as well.

The applicant seems to have scant regard for the law, for the effect on neighbours and on the general public. He has a history of breaking the rules and conditions imposed.

In summary, the Planning Committee are concerned that an extension of the licencing hours would extend the public nuisance already suffered by neighbours and passing members of the public.

Should the panel be minded to grant the increased hours we request that the following conditions be applied:-

The playing of recorded music shall cease.

The front door to the premises shall be kept shut except briefly to allow customers in and out.

In this connection, it would seem appropriate to request that a door spring be fitted.

Customers shall not congregate on the pavement outside