

Application No:	18/00437/FUL	
Proposal:	Change of use from A2 to A4, to allow the premises to operate as a Micropub	
Location:	Coral Betting Office, Kirklington Road, Rainworth	
Applicant:	The Inkpot Partnership – Mrs Vicki Guy	
Registered:	01.03.2018	Target Date: 26.04.2018
		Agreed Extension of Time: 11.05.2018

This application is being referred to the Planning Committee for determination by the local ward member Cllr. L Tift due to the applicants being personally known to herself and the Parish Council.

The Site

The site relates to a modest building and its associated grass banked curtilage to the south of Kirklington Road within the urban boundary of Rainworth. The site is close to, but outside of, the District Centre of Rainworth as identified by the Proposals Map. The site is adjacent to the village hall which it is understood owns the land surrounding the building with the exception of the land to the west which has been confirmed to be within the site through the submission of a revised site location plan during the life of the application.

Relevant Planning History

There is no formal planning history in relation to the building albeit it is understood that the building was in use from the 1970s to 2017 as a bookmakers. This has a Use Class of A2 (Financial and Professional Services) according to The Town and Country Planning (Use Classes) Order.

16/01059/FULM - There is an application to the west of the site with a resolution to grant planning permission subject to the sealing of an associated legal agreement. This is for a full planning permission for the development of 14 x 3-bedroom residential dwellings, associated access and detailed landscaping and includes the creation of an access to the site from Kirklington Road and the re-positioning of the traffic island.

The Proposal

The proposal seeks full planning permission to change the use of the building from its established A2 use to an A4 use. The rationale is that the building would be operated as a Mircopub to provide between 25 and 30 covers. No alterations are proposed to the exterior of the building (with the exception of an advertisement which would have deemed consent). The application form states proposed opening hours of 12:00 to 23:30 daily.

Departure/Public Advertisement Procedure

Occupiers of four properties have been individually notified by letter. A site notice has also been displayed near to the site.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 2 – Spatial Distribution of Growth

Spatial Policy 7 – Sustainable Transport

Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

Core Policy 6 – Shaping our Employment Profile

Core Policy 8 – Retail Hierarchy

Core Policy 9 – Sustainable Design

MFAP1 – Mansfield Fringe Area

Allocations & Development Management DPD

Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy

Policy DM5 – Design

Policy DM11 - Retail and Town Centre Uses

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Rainworth Parish Council – Support the proposal on the basis that access via the double gates to the side of the property be accessible 24/7 to the rear of the Village Hall as per lease agreement.

NCC Highways Authority – *Original comments received 23 March 2018:*

This proposal is for the change of use to allow the premises to operate as a micropub. It is noted that the proposed use would be operating 7 days per week. There is no information submitted relating to the servicing arrangements of the site, i.e. the number of vehicle trips expected to be generated and the type/size of vehicles involved. How many members of staff will be expected? Could this information please be clarified.

Revised comments received 16 April 2018:

The applicant has confirmed that deliveries to the site are not expected to have a significant impact on the public highway. It is anticipated that any staff could be local residents within easy walking distance and therefore the adjacent parking space may not be required. Also, in view of the type of development it is expected that customers will walk to the site.

Therefore, taking the above into consideration, there are no highway objections to this proposal.

NSDC Environmental Health (noise) – No comments to make.

NSDC Access and Equalities Officer – Observations in relation to Building Regulations.

No letters of representation have been received to date.

Comments of the Business Manager

Principle of Development

The Core Strategy for the district referred to above has outlined a Settlement Hierarchy which essentially directs where the Local Planning Authority (LPA) would favour development. The site lies within the Urban Boundary of Rainworth which is identified by the hierarchy as being a Service Centre for the Mansfield Fringe Area with the role of acting as a focus for service provision for a large local population and rural hinterland.

Spatial Policy 8 promotes the provision of new and enhanced community and leisure facilities, particularly where they address a deficiency in current provision. It is noted that the applicant has submitted 47 letters of support for the proposed end use; 30 from Rainworth residents and 17 from other interested parties offering general support.

The Core Strategy is currently subject to a Plan Review process with the Publication Amended Core Strategy published in July 2017. It is notable that Core Policy 8 (Retail Hierarchy) is likely to be subject to significant changes in comparison to the existing policy. In the amended Core Strategy, Rainworth has been reduced to a Local Centre which would be principally concerned with the sale of food and other convenience goods, and the provision of services to the local community in which they are located. There is a requirement for proposals to be firstly located within a centre and then on the edge of centres. The current application relates to an existing building which is considered to occupy an edge of centre location.

Although no employment details are included within the submitted application form, the supporting statement confirms that the applicants are a partnership of four interested parties and it is in any case reasonable to assume that the end user would generate a small level of employment (albeit perhaps comparable with that of the established A2 use). This is supported in principle by Core Policy 6 of the Core Strategy.

Given the modest size of the building and its existing lawful use, it is considered that the change of use proposed would be acceptable in principle. However, it then falls to assess the specific implications of the proposed end use notably in terms of impacts on public amenity and highways safety.

Impact on Amenity

Policy DM5 of the Allocations and Development Management Document states that *'Development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact.'*

As existing, the site shares boundaries with the Village Hall to the east and open land to the west. There are residential curtilages to the south of the site (intervened by land understood to be in the ownership of the Parish Council) which also warrant consideration in amenity terms. As implied above, whilst the land to the west is currently vacant, given the resolution to grant permission for housing there is a strong likelihood that it will come forward in the future for residential use.

It is not uncommon for public houses to share common boundaries with residential properties and indeed I appreciate that the site is within an area which is already established by a variety of uses. The District Centre is in close proximity and the residential development likely to come forward in the future will also share a close relationship with a convenience store which appears to be open until 11pm. The current application form states an intention for the Micropub to be open until 23:30 daily albeit the supporting statement submitted to accompany the application contends that the usual closing time will be 10:30pm (following last orders at 10pm). Justification for the hours sought include reference to the A1 retail unit (currently occupied by Tesco) in close proximity to the site which is open until 11pm as well as the proximity to 'The Venue' opposite the site which according to the applicants submission opens beyond midnight.

I am mindful that the modest footprint of the building (approximately 62m²) would self-govern the level of covers which could be accommodated within the building. Moreover, there is limited associated land to the side and none to the rear of the building which would allow for patrons to congregate outside. It is also noted that as existing, there is planting along the western boundary which would be shared with the proposed residential development site. The plans for the residential planning application appear to show retention of an existing hedgerow. The lack of parking provision proposed (discussed further below) also limits the opportunity for noise impacts associated with car doors etc. Taking all of these factors into account I do not consider that the noise impacts arising from the proposal would be materially different from the uses already established by the site surroundings. On this basis I have identified no detrimental amenity impacts which would warrant resistance of the proposal.

Impact on Highways

Spatial Policy 7 states that development proposals should provide safe, convenient accesses for all and provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements. The policy also states that proposals should ensure that vehicular traffic generated does not create new, or exacerbate existing on street parking problems, nor materially increase other traffic problems. Policy DM5 reflects this.

As referred to above, the application does not propose to include off street parking. The building is within the village envelope of Rainworth in close proximity to the District Centre. There are good public transport links serving the village (and indeed a bus stop immediately in front of the adjacent Village Hall). There are also public car parks close to the site. On this basis I do not consider that the lack of on-site or on-street parking is fatal to the proposed change of use.

The original comments of the Highways Authority sought clarification on a number of issues including provision for staff parking and deliveries. The applicant has responded to these queries during the life of the application confirming that the application site includes some land to the west of the building. It is stated that this is where estate cars for deliveries once or twice a week would pull on to. NCC Highways have provided further comment on this basis confirming no objections to be proposal particularly in the context that the proposed use would create a likelihood of patrons walking to the site. I agree with this assessment and conclude that it accords with SP7 and DM5.

Other Matters

In granting an A4 Use, there are permitted development rights that would apply once the public house has been implemented that would essentially allow the use to be changed without a further

planning permission. These permitted changes of uses are to an A1 (retail) A2 (financial and professional services) and A3 (café, restaurant or snack bar) uses. Having regard to the small size of the building I do not consider that any of the alternative permitted uses would be harmful to the locality and as such have not sought to remove the ability for this permitted change by condition.

Conclusion

The application relates to the change of use from an A2 to an A4 use. The proposed development would continue to contribute towards the offer of community facilities in the village and it appears from the applicants evidence that there is a desire for the type of A4 use sought. Indeed I note there have been no objections to the scheme.

Despite the opening hours proposed (until 23:30); officers do not consider that the amenity impacts arising from the development would be materially different to those established by the surrounding mixed use nature of the area. In addition the lack of parking provision is not considered fatal to the scheme.

The proposal is therefore recommended for approval subject to the conditions outlined below.

RECOMMENDATION

That planning permission is approved subject to the conditions shown below:

Conditions

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plan reference:

Site Location Plan

Proposed Internal Fit out Block Plan reference Plan 4 of 4

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

The premises shall not be open to members of the public outside the following hours:-

12:00 to 23:30 on any day of the week.

Reason: In the interests of residential amenity.

Notes to Applicant

01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

02

This application has been the subject of pre-application discussions and has been approved in accordance with that advice. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

Background Papers

Application Case File

For further information, please contact Laura Gardner on extn. 5907.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Matt Lamb
Business Manager Growth & Regeneration

Committee Plan - 18/00437/FUL

