

2.7 REFERENCE NO - 18/500834/FULL			
APPLICATION PROPOSAL Change of use from A1 shops to micropub A4			
ADDRESS 193 High Street Sheerness Kent ME12 1UJ			
RECOMMENDATION GRANT subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposal is acceptable in principle and would not be significantly harmful to residential amenity.			
REASON FOR REFERRAL TO COMMITTEE Called in by Ward Member.			
WARD Sheerness	PARISH/TOWN COUNCIL	APPLICANT Miss Amanda Williams AGENT	
DECISION DUE DATE 28/05/18	PUBLICITY EXPIRY DATE 26/03/18		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
None relevant.			

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 193 High Street Sheerness is a two storey terrace that fronts the highway and is used for A1 purposes - currently a hairdresser salon with the first floor used for associated beauty treatments. This application only concerns the ground floor of the building.
- 1.02 There is a retail unit to the south east with associated residential accommodation above and a residential dwelling to the north west. On the opposite side of the street the pattern of development is similar with retail and commercial premises operating on the ground floor of the terraced buildings with residential accommodation above. There is a mixture of commercial and residential units in the immediate surrounding area.

2.0 PROPOSAL

- 2.01 This application seeks planning permission for the change of use from retail (A1) to a micro pub, which falls under Class A4 use.
- 2.02 This proposed micro pub, like others of its type intends to sell locally and traditionally brewed real ales and ciders straight from the cask. The applicant has stated that there will be no slot/gaming machines, video games or jukebox and no amplified music.

2.03 The micro pub is proposed to open Monday – Friday 11.00 – 00.00, Saturday 11.00 – 00.00 and Sunday 11.00 – 23.00.

2.04 This application does not propose any external building work. Internally, the ground floor will provide a bar area with storage, along with a seating area and a cellar and glass wash with a toilet to the rear. This would be carried out with minimal internal alterations.

3.0 PLANNING CONSTRAINTS

3.01 The site lies within Flood Zone 3

4.0 POLICY AND OTHER CONSIDERATIONS

4.01 The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).

4.02 Development Plan: CP1, CP4, DM1, DM2, DM7, DM14 and DM15 of Bearing Fruits 2031: The Swale Borough Local Plan.

5.0 LOCAL REPRESENTATIONS

5.01 13 comments in support of the application were received. Their contents are summarised below:

- Encourages a sense of community
- Will enhance Sheerness
- Provides a meeting point for residents to gather and socialise
- Attracts respectful clientele so noise/disturbance will not be an issue.
- Conveniently sited close to a public car park
- Very effective alternative to the rather generic 'fruit machines and football' type of pubs already in existence in the immediate vicinity
- The proposal fits perfectly with the kind of alternative commercial establishments required to help ensure that Sheerness be a place to visit.
- Will allow those who appreciate fine ale an opportunity to sample the ales locally without having to drive.
- Micropubs offer a different environment to traditional pubs which are in decline

5.02 7 comments objecting to the application were received, as well as a letter with 14 signatures and a solicitor's letter. Their contents are summarised below:

- Proposed location not suitable
- Unwelcome noise, difficult parking and extra traffic and visitors, quite likely inconveniencing immediate residents.
- The presence of the pub opposite, could result in additional noise and disturbance.
- Detrimental effect on the residents of 191 High Street (next door) and the neighbouring flats and residential properties in the vicinity.
- Betting shops and pubs not attracting the best clientele.
- Already a pub in the area almost opposite
- Use of garden will cause invasion of privacy and passive smoking exposure.
- Noise intrusion at evenings and weekends to neighbours
- It is very near to a Zebra crossing which will make deliveries difficult

- 5.03 Councillor Angela Harrison raised concerns regarding the application and has called the application to Committee, stating that :
“...it would be detrimental to the amenity of that side of the High Street in terms of noise, disturbance and nuisance. Particularly to the residential properties alongside and at the rear.”

6.0 CONSULTATIONS

- 6.01 KCC Highways and Transportation offers no comments.
- 6.02 The Environmental Health Manager raises no objection, subject to a condition regarding soundproofing.

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 Application papers for application 18/500834/FULL.

8.0 APPRAISAL

Principle of Development

- 8.01 The application site is within the built up area boundary and located within an area with a mixture of residential and commercial units, I therefore consider that the principle of the change of use would be acceptable subject to other considerations. In this instance the main consideration would be the impact on residential amenities as a result of this development.

Visual Impact

- 8.02 No external changes are proposed as part of the application, so the character and appearance of the building and wider street scene will not be affected. There may be some impact from any signage to be erected at the site, and this would need careful consideration, but that would be the subject of a separate application for advertisement consent so will not be assessed in this particular application.

Residential Amenity

- 8.03 It should be noted that many of the comments for support in this instance were received from individuals outside of the local area and are not considered immediate neighbours. Conversely some objecting comments were submitted more than once from the same objector. This may result in some of the representations not being a true reflection of the local community viewpoint.
- 8.04 Many of the surrounding properties are residential in nature, and therefore the impact that the micro pub may have on these properties could be potentially harmful. The closest residential dwelling is no. 191 which adjoins the application site in the row of terrace buildings. I note however that micro pubs are very small venues that do not generate the levels of activity you would associate with a more traditional pub. Both seating and space is usually very restricted (the public area and bar proposed in this application is just approximately 38sqm) and it is unlikely that significant numbers of drinkers would congregate at the site at any one time.
- 8.05 After consulting with the applicant it was confirmed that the establishment would be operating under the general rules micro pubs try to adhere to, which include not serving lager or alcopops, no amplified music and no gambling machines. All of

which will be secured in a condition below. This would naturally deter certain demographics from the establishment and minimise the risk of anti-social behaviour. Therefore I do not consider that this would offer significant disturbance to the local area or residents.

- 8.06 I acknowledge the concerns relating to the lack of sound proofing currently in place and the overall noise disturbance that it is believed that this micropub will cause, however, the applicant has confirmed that sound proofing will be implemented to protect residential amenity and as such I have secured this in a relevant condition below. I am satisfied that this will allow the residential amenities of no. 191 and other neighbours in the immediate area to be protected and as there is no living accommodation above the micropub, I consider this sufficient.
- 8.07 Some discussion was had with the applicant regarding the implementation of a small covered area to the rear garden to prevent smokers from smoking to the front of the micropub, on the street. However, I do not consider that this would be appropriate given the residential nature of the surrounding units as it would encourage congregation in external amenity space and thus potentially cause a disturbance. I believe that by not providing a specified area for smokers this is less likely to cause congregation and therefore significant disturbance is unlikely to occur. I have conditioned the use of the amenity space in a relevant condition below.

Highways

- 8.08 No parking is proposed as part of the application. I consider this is acceptable due to the small size of the building and the limited potential for high numbers of customers. The property lies close to the town centre of Sheerness and I also note that there is a bus stop just outside the site. KCC Highways and Transportation have no objections to the proposal. Taking the above into account, I consider the proposal acceptable in this regard.

Other Matters

- 8.09 Due to the small scale nature of the development and the fact that there are exits to both the front and rear, I do not consider that there will be significant risk with regards to flooding as a result of this application.

9.0 CONCLUSION

- 9.01 On the basis of the above, I do not consider this scheme will give rise to any serious harm to residential amenity sufficient to justify refusing planning permission.

10.0 RECOMMENDATION – GRANT Subject to the following conditions

CONDITIONS to include

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2) The premises shall be used for the purposes of a micropub as set out within the application documents and for no other purposes, including any other purposes in

Class A4 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: In the interests of the amenities of the area.

- 3) The micropub hereby approved shall not be open to the public outside the hours of 11.00 to 00.00 Monday – Friday, 11.00 to 00.00 Saturday and 11.00 to 23.00 Sunday.

Reason: In the interest of the residential amenities of the area.

- 4) There shall be no amplified music played at the application site.

Reason: In the interests of the residential amenities of the area.

- 5) A scheme of soundproofing for the building shall be submitted to and approved by the Local Planning Authority and upon approval shall be carried out in accordance with the approved details before the use hereby permitted is commenced.

Reason: In the interests of local amenity.

- 6) The amenity space to the rear of the micropub shall not be used as a public area.

Reason: In the interests of residential amenity.

INFORMATIVES

- 1) Please note that advertisement consent will be required for any external signage to be erected at the premises.
- 2) Please note that a licensing application is still required before operations can begin.

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

- Offering pre-application advice
- Where possible, suggesting solutions to secure a successful outcome.
- As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

