

REPORT SUMMARY

REFERENCE NO - 16/505697/FULL			
APPLICATION PROPOSAL Change of use from light industrial (office/storage) B1/B8 to Micropub A4			
ADDRESS Trafalgar Court, West Street, Queenborough, Kent, ME11 5AD.			
RECOMMENDATION Approve.			
SUMMARY OF REASONS FOR RECOMMENDATION Application proposes the introduction of a valuable community use that would also generate some local employment, and would not give rise to any serious amenity or highway safety and amenity concerns.			
REASON FOR REFERRAL TO COMMITTEE Town Council objection.			
WARD Queenborough & Halfway	PARISH/TOWN COUNCIL Queenborough	APPLICANT Mr Christopher Collier AGENT	
DECISION DUE DATE 08/09/16	PUBLICITY EXPIRY DATE 08/09/16		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/79/0644	Erection of factory for metal fabrication.	Approved.	03.10.79
SW/89/1051	Outline application for residential and recreational development.	Refused.	30.07.92
SW/91/0048	Conversion of single storey industrial shed to two storey light industrial workshop.	Approved.	19.04.91
SW/06/0612	Retrospective application for change of use to sales, repairs and MOT's of scooters and for erection of temporary building.	Refused.	09.08.06
SW/10/1149	Use of part of warehouse as a retail counter for the sale of fish (retrospective).	Approved.	16.11.10
SW/13/1324 SW/13/0742 and 14/500697/FULL	These applications are also of note as they relate to approvals for change of use to micropubs at Minster Road, Halfway (the Heritage), Charlotte Street, Sittingbourne (the Paper Mill), and Preston Street, Faversham (Furlongs), respectively.	Approved	2013 and 2014.

MAIN REPORT**1.0 DESCRIPTION OF SITE**

- 1.01 Trafalgar Court is a single-storey timber building situated on West Street, Queenborough. It is roughly donut-shaped, with an opening onto West Street providing access to the interior courtyard (currently obstructed by a shipping container).
- 1.02 The building lies approximately 75m south of the public car park on Park Road (adj the park, and the entrance to Aesica), 500m west of the library car park, and 680m west of the train station.
- 1.03 The current application site comprises part of the northern and eastern sections of the building. This part was previously occupied by "Pack & Post," a small distribution company, although trading appears to have ceased some time ago and the building looks like it is now just used for storage. The total floor area of the application site extends to 68sqm.
- 1.04 The southern wing of the building is occupied by Two Suns fresh fish shop. The western (rear) section is currently unoccupied and was last used for storage .

2.0 PROPOSAL

- 2.01 The application proposes conversion of part of the building and courtyard to a micropub (Class A4 use), with no external alterations to the building (other than a change of signage, for which separate advert consent would be required). Internal alterations amount to a reconfiguration of the existing space.

- 2.02 A supporting statement accompanying the application states:

"Micropubs primarily operate to sell real ale and cider directly from the cask. Micropubs do not have slot/gaming machines, juke boxes or amplified music. Micropubs aim to promote responsible drinking and foster a community approach.

Wherever possible produce will be sought from Kentish suppliers, helping to support the local economy and promote Kentish produce and business.

Swale already has 3 successful micropubs: the Paper Mill, Sittingbourne; the Heritage, Minster; and Furlongs, Faversham."

- 2.03 The applicant has also provided a copy of the general rules that micropubs adhere to:

- *"No Bar: micropubs are often too small to even have a bar!*
- *No Fruit Machines: these take away the original concept of a pub (but you might find games like Shove Ha'penny or Cribbage being enjoyed).*
- *No TVs or Juke Boxes: these also takeaway the original concept of a pub (a place to enjoy a quiet drink and talk to friends or talk to strangers, who quickly become friends).*
- *No 'Manufactured' Beers: where beer is concerned, a true micropub will only sell 'Real Ale'. A micropub does not sell lager..."*

- 2.04 Proposed hours of use are 11.00 to midnight Monday to Saturday, and 11.00 to 23.00 on Sundays and bank holidays.

- 2.05 There will be 1 full-time member of staff, and 3 part-time staff.

3.0 SUMMARY INFORMATION

	Proposed
Site Area (ha)	68 sqm.
Parking Spaces	0 (public car park 75m to north)
No. staff	2 FT equivalent. (1FT + 2PT)
Hours of use	11.00 to midnight Mon-Sat. 11.00 to 23.00 Sun and holidays.

4.0 PLANNING CONSTRAINTS

- 4.01 The site lies within Queenborough conservation area, an area of potential archaeological importance, and Environment Agency flood zone 2.
- 4.02 There is a Grade II listed building immediately to the west (rear), and a terrace of 4 Grade II listed buildings to the north, fronting onto the High Street, a minimum of 35m away across a car parking area.

5.0 POLICY AND OTHER CONSIDERATIONS

- 5.01 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) encourage the provision of both community uses and employment uses.
- 5.02 Para. 19 of the NPPF states that “the Government is committed to ensuring the planning system does everything it can to support sustainable economic growth...significant weight should be placed on the need to support economic growth through the planning system.”
- 5.03 Para. 70 of the NPPF states that “to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should [amongst others] plan positively for the provision and use of shared space, 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.”
- 5.04 Policies E1, E14, E15, E19, B1 and T3 of the adopted Swale Borough Local Plan 2008 are relevant, and aim to ensure that all development is of an appropriate scale, design and appearance; does not give rise to serious amenity impacts; does not harm conservation areas or listed buildings; supports economic development / employment; and provides sufficient parking.
- 5.05 The above is reiterated by policies DM7, DM14, DM32 and DM33 of the emerging Local Plan “Bearing Fruits 2031” (Proposed Main Modifications June 2016 draft).

6.0 LOCAL REPRESENTATIONS

- 6.01 76 letters of support have been received in response to this application. They generally comment on micropubs being a positive community use, with low potential for noise and anti-social behaviour, and which may encourage visitors to Queenborough.
- 6.02 5 letters of objection have been received, raising the following summarised comments:

- Residents were not informed;
- 5 licensed pubs and clubs in Queenborough already;
- Noise and disturbance to local residents;
- Potential for damage to property or anti-social behaviour from pub-goers;
- The building lies adjacent to a number of residential gardens;
- The building is unsuitable for use as a pub;
- Insufficient toilet facilities within the building;
- Lack of parking locally, and local driveways being blocked by vehicles;
- Will not generate extra business, investment, or support local business;
- Queenborough already attracts visitors because of local heritage;
- Most letters of support are from people who do not live in Queenborough and won't be affected;
- Most letters of support are from Minster, the applicant should consider setting p there instead;
- A micropub is a good idea, *"but please find a more suitable position."*

7.0 CONSULTATIONS

- 7.01 Queenborough Town Council *"consider the application to be unsuitable for the location for the following reasons;*

There is inadequate parking, vehicle parking in the area is already a problem for local residents and their visitors.

There are already five public houses including a Social Club within a quarter of a mile from the location of the planning micropub."

- 7.02 KCC highways & Transportation have no comments to make due to the small scale of the proposal.
- 7.03 The Council's Environmental Health manager has no objection subject to restricting closing time to 23.00, and preventing any amplified music at the premises, both in recognition of the site's location close to residential properties and its relatively light construction.

8.0 APPRAISAL

Principle of Development

- 8.01 Noting that the site lies within the built up area and close to public transport links, the scheme would bring an existing building back into employment use while also providing a valuable community facility. In this regard the scheme complies with the general thrust of policies E1, B1 and C1 of the adopted Local Plan, and I therefore consider it to be acceptable in principle.

Visual Impact

- 8.02 No external changes are proposed, and the impact of the development upon the character of the conservation area or the special interest of the nearby listed buildings will therefore be no more than at present. 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.

Residential Amenity

- 8.03 I note the concerns from neighbouring residents to this proposed change of use. The section of building to be converted is furthest away from the dwellings to the rear and there would therefore be a section of the building remaining as a buffer to the neighbouring properties.
- 8.04 It should also be noted that micropubs are, by their very nature, very small venues that do not generate the levels of activity you would associate with a more traditional pub. Seating, and indeed space, are usually very limited (site area here is just 68sqm) and it is unlikely that significant numbers of drinkers would congregate at the site at any one time. The applicant has explained to me that he would be operating under the general rules micropubs try to adhere to, which include not serving lager or alcopops, no amplified music, and no gambling machines. This would naturally deter certain demographics from the establishment, and minimise the risk of anti-social behaviour at peak times. The Council's Environmental Response team would be able to pursue any noise complaints, and the Licensing team could review the premise's license if there were persistent complaints.
- 8.05 Nevertheless I have recommended conditions restricting opening hours, the use of amplified music, and also requiring details to be agreed if any mechanical ventilation is to be inserted in future. I am confident that these conditions would minimise the potential for any serious noise and disturbance to local residents.
- 8.06 I have also had informal discussions with neighbours in regard to the provision of a smoking area. Having visited the site I note that any smokers would need to use the area to the front of the property, as the courtyard area is (currently) obstructed by a large storage container. To avoid standing in the road smokers would need to cross over to the pavement on the far side, which is opposite a vacant plot and away from nearby dwellings. I therefore have no serious concerns in this regard. I have also discussed this matter informally with Environmental Health including the Food Hygiene Team and Licencing, all of whom note that the Council has no control over where the public choose to smoke (other than the design of smoking shelters and fines for discarding cigarettes as litter). In addition, Members will note that the Environmental Health Manager does not raise objection to the proposed application on noise grounds.
- 8.07 Therefore I do not consider that this scheme would give rise to any serious harm to residential amenity sufficient to justify refusing planning permission.

Highways

- 8.08 I note the Town Council's objection, but would point out (as above) that the site lies 75m south of the public car park on Park Road, 500m west of the library car park, and 680m west of the train station. Whilst I am aware of concerns over local parking pressure, it must also be noted that there is on-street parking available throughout large parts of Queenborough.
- 8.09 The above, in tandem with the small size of the property and the limited potential for high numbers of guests, leads me to conclude that there would not be any serious harm to local highway safety and amenity. The current authorised business use of the premises could also potentially generate a significant amount of traffic and parking demand, which mitigates / balances out against the proposed pub use. I therefore consider that a refusal on highway grounds would not be justified.

Flood risk

- 8.10 The site lies within flood zone 2. However, as a reflection of the very limited risk arising from such uses within flood zone 2 (i.e. people are not on site 24/7 and can leave if the property is threatened), the Environment Agency does not wish to be consulted and refers the Council to their standing advice matrix. This signals that the “development is appropriate,” and I therefore have no serious concerns in this regard.

Other matters

- 8.11 The provision of toilets (as raised by local residents) is not a material planning concern, but nonetheless I note that a number of other micropubs within the Borough (such as Furlongs in Faversham or the Paper Mill in Sittingbourne) have only 1 toilet for both staff and customers.
- 8.12 The number of other public houses within Queenborough is not a valid planning reason for refusal here.

9.0 CONCLUSION

- 9.01 Taking the above into account I consider this to be an appropriate use for the building, and one that would not give rise to any amenity concerns to such a level as to justify refusal of planning permission. I am also mindful that, in general, several pubs a day are closing across the country, to the loss of the local communities, and to approve one here would secure a valuable community facility and some (albeit small) local employment.
- 9.02 I note the objections received, but do not consider that they justify a refusal of permission in this instance.
- 9.03 I therefore recommend that planning permission should be granted.

10.0 RECOMMENDATION – GRANT Subject to the following conditions:

- (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 purpose of a micropub as set out within the application documents and for no other purpose, including any other purposes in Class A4 of the Schedule to 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 of the hours of 11.00 to 23.00.

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

- (4) Details of any mechanical ventilation system that is to be installed shall be submitted to and approved by the Local Planning Authority and upon approval shall be installed, maintained and operated in a manner that prevents the transmission of odours, fumes, noise and vibration to neighbouring premises.

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

(5) There shall be no amplified music played at the application site.

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

INFORMATIVES

- (1) Please note that advertisement consent will be required for any external signage to be erected at the premises.

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:

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.