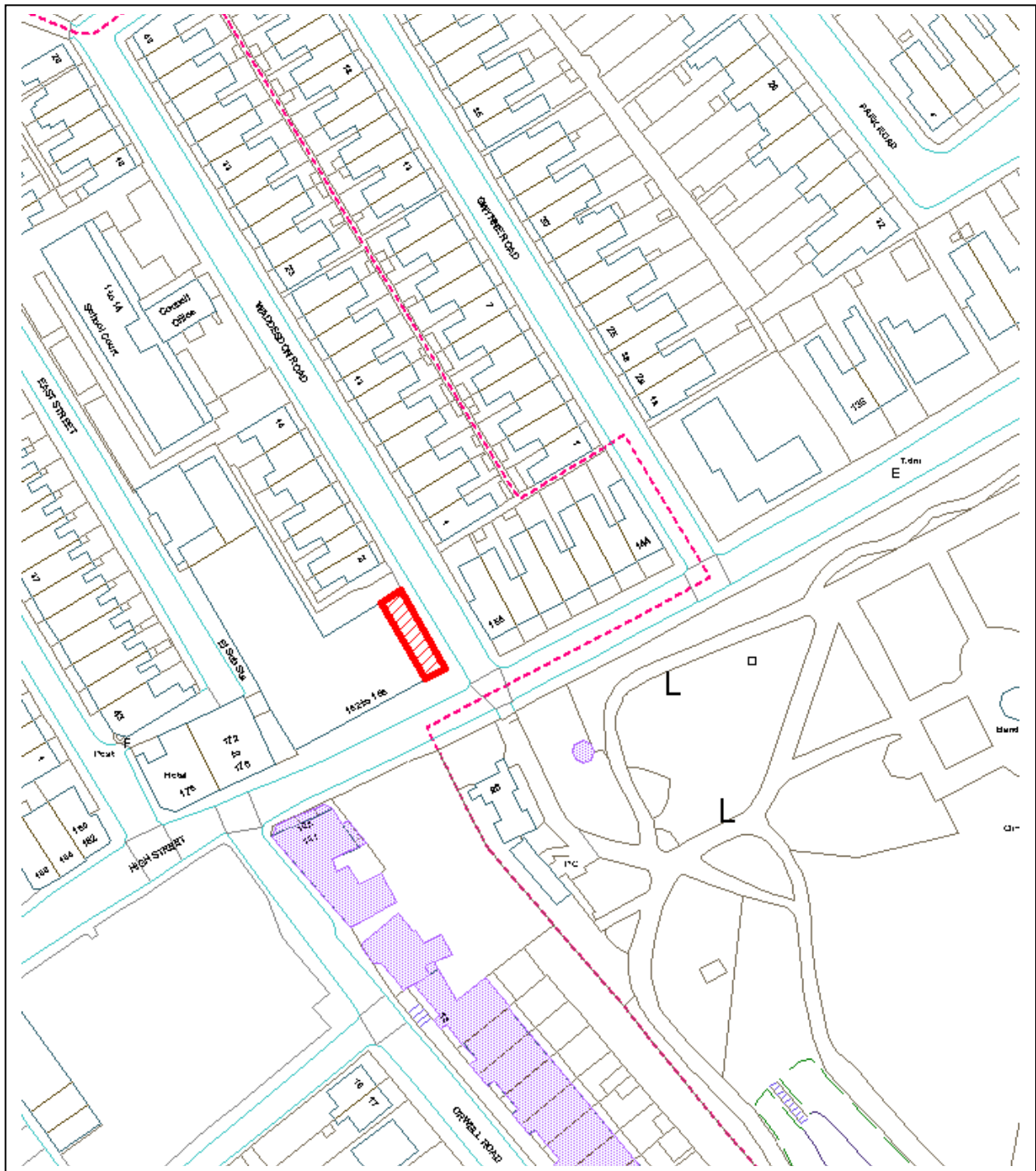


PLANNING COMMITTEE

24 JUNE 2014

REPORT OF THE HEAD OF PLANNING

**A.2 PLANNING APPLICATION - 14/00421/FUL - 158 HIGH STREET HARWICH, CO12 3AT**



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<b>Application:</b>	14/00421/FUL	<b>Town / Parish:</b> Harwich Town Council
<b>Applicant:</b>	Mrs Sonya McCready	
<b>Address:</b>	158 High Street Harwich Essex CO12 3AT	
<b>Development:</b>	Change of use of second hand furniture shop to licensed wine bar, <b>use of the forecourt as a seating/smoking area and erection of lobby to rear.</b>	

## 1. Executive Summary

- 1.1. Members will recollect that this application was deferred from the Planning Committee meeting on 27<sup>th</sup> May 2014. It was deferred to allow officers the opportunity to clarify the proposed hours of operation and the use of the proposed smoking area. A meeting was held with Officers, the applicants and agent to discuss the required information which was received on 10<sup>th</sup> June 2014. The application has been amended to include the forecourt at the front of the site to be used as a seating and smoking area and an enclosed lobby to the rear of the site. A Design and Access Statement has been submitted together with a list of proposed conditions and a letter from Essex County Fire and Rescue Service stating that they do not anticipate any additional risk to the public as a consequence of the proposed change of use. This report has been updated accordingly, the updates are include in **bold text** for ease of reference.
- 1.2. This application has been referred to Planning Committee at the request of Councillor G. Calver.
- 1.3. The proposal is for the change of use of a former second hand furniture shop to a licensed wine bar.
- 1.4. It is considered that subject to conditions to control the proposed opening hours and the use of the land to the rear the proposal will result in no material harm to residential amenity or existing uses and vitality of the town centre.

### **Recommendation: Approve**

#### **Conditions:**

1. Standard 3 year time limit for commencement.
2. Development in accordance with submitted plans.
3. Opening hours 10:00-00:00 Monday to Thursday and Sunday and 10:00-01:00 Friday and Saturday.
4. **The courtyard area to the rear of the site shall not be used by customers of the wine bar as a seating or drinking area.**
5. **The tables and seating to be sited upon the forecourt area shall be removed from the forecourt and stored within the building outside opening hours.**

## 2. **Planning Policy**

### National Policy

National Planning Policy Framework 2012

States that planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

### Local Plan Policy

Tendring District Local Plan 2007

QL1	Spatial Strategy
QL6	Urban Regeneration Areas
QL11	Environmental Impacts and Compatibility of Uses
ER31	Town Centre Hierarchy and Uses
COM22	Noise Pollution
HAR12	Dovercourt Town Centre Regeneration Area

Tendring District Local Plan: Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014)

SD1	Presumption in Favour of Sustainable Development
SD2	Urban Settlements
SD8	Transport and Accessibility
SD9	Design of New Development
PRO4	Priority Areas for Regeneration
PRO5	Town, District, Village and Neighbourhood Centres

## 3. **Relevant Planning History**

None

## 4. **Consultations**

- 4.1. Environmental Health - The Councils Environmental Health Officer visited the site and as the applicants have control of the residential area at first floor, it is considered that this will effectively self-control any issues possibly arising from loud music etc. Furthermore the applicants live to the rear of the proposal which would provide a level of control. Based on this no objection is raised to the proposal subject to the following conditions:
  - o The smoking area to the rear should only be accessed up to 2200hrs.
  - o The smoking area to the rear should only be accessed by a double door lobby

- Hours of operation should be consistent with a nearby licensed premises, that is: no live music after 0100 hours and opening hours of the premises: 1000-0000 Monday to Thursday and Sunday. 1000-0100 Friday and Saturday.

- 4.2. Regeneration – The Regeneration Team support this application as it will help improve the vitality and vibrancy of Dovercourt Town Centre and provide an additional offer for the night time economy. It will also employ 4 new staff.
- 4.3. Essex County Council Highway – do not wish to object to the proposal.
- 4.4. Harwich Town Council - have no objection to the application on condition that the opening hours, which will be subject to a licensing application area restricted to that of a standard licence.

## 5. **Representations**

- 5.1 One letter of representation has been received which expresses concern regarding the following:

Noise and disturbance – in particular reference with any potential license extensions and music licences and disruption from people leaving the premises late.

Privacy – whether the outside area will be used as garden/drinking area for the wine bar

- 5.2 **Two letters have been received which support the proposal for the following reasons:**

**It will bring more people to the bottom end of the High Street, which at present is looking rather neglected and dilapidated and in need of vibrant new businesses.**

**This new venture will be start of the rejuvenation of the area with the lovely park opposite and the beach not so far away.**

**The Council should be as helpful as possible in encouraging new ventures.**

**There is only one option and no choice of bars in the whole of the High Street.**

## 6. **Assessment**

- 6.1 The main planning considerations are:

- Planning Policy;
- Residential Amenity; and,
- Town Centre Impact.

### **Proposal**

- 6.2 This application seeks planning permission for the change of use of No. 158 High Street, Harwich to a licensed wine bar. It was formally a second hand furniture shop. **The proposal also involves the erection of a lobby area on the rear elevation and the use of the forecourt area to the front of the site for a seating and smoking area.**
- 6.3 **The lobby area is over the existing rear escape doors. It extends 1.1 metres from the rear wall of the existing building and measures 3.3 metres in width. The eaves height is 2.8 metres and the ridge height 3.2 metres. It has a rendered plinth with glazing above and a Perspex roof.**

- 6.4 **It is proposed that the forecourt area to the front of the site be enclosed by 0.8 metre high removable netting and removal chrome pole. The enclosed area would provide space for 4 tables, one of which will be designated as a smoking area.**
- 6.5 The internal works have been carried out and are almost completed; these do not require planning permission.

### **Site Location**

- 6.6 The application site is situated to the north of the High Street in Harwich on the corner with Waddesdon Road.

### **Planning Policy**

- 6.7 The site is located within the defined Town Centre and within an area of regeneration in the Tendring District Local Plan 2007 and the Tendring District Local Plan Proposed Submission Draft 2012.
- 6.8 Policy ER31 of the Tendring District Local Plan 2007 states that development proposals which adversely affect the vitality, viability and the urban or rural regeneration objectives associated with each centre will not be permitted. Policy PRO5 of the Tendring District Local Plan Proposed Submission Draft 2012 states that defined centres will be the focus for 'town centre uses' which include retail, leisure, commercial, office, tourism and cultural development and community facilities. It also states that the Council will promote a mix of appropriate town centre uses within these defined centres with 'active street frontages' at ground floor level.
- 6.9 Furthermore, the site is located within an area of regeneration where Policy HAR12 of the Tendring District Local Plan 2007 states that appropriate mixed-use development (including residential use) will be encouraged in order to bring about the repair and restoration of historic buildings. Policy PRO4 of the Tendring District Local Plan Proposed Submission Draft 2012 states that these areas will be the focus for investment in social, economic and physical infrastructure and initiatives to improve vitality, environmental quality, social inclusion, economic prospects, education, health, community safety and accessibility.
- 6.10 It is considered that the proposed wine bar is a suitable town centre use, that would help improve the vibrancy and vitality of this area of the town centre.

### **Residential Amenity**

- 6.11 There are residential properties within close proximity to the site; the closest is No. 2 Waddesdon Road which is located to the rear of the site. This property is a two-storey end of terrace property that has the flank/side elevation facing the application site which has one window in at first floor level.
- 6.12 **Originally it was proposed that the rear courtyard would be used as a smoking area. The Council's Senior Environmental Health Officer raise no objection to this subject to a double door arrangement to reduce the amount of noise and disturbance and a condition to ensure that the area is not used after 2200 hours. However, to address the concerns of the Planning Committee it is now proposed that there will be a seating and smoking area to the front of the site and that the rear courtyard area will be retained in its current form and not used by proposed customers. It is considered that the use of the front area as a seating area would not result in any adverse impact on neighbours amenities.**

- 6.13 **The proposed lobby to the rear of the site will not result in any impact on the amenities of neighbouring residents. In fact it could reduce the amount of noise that is heard in the rear courtyard and the potential impact on residents are in Waddesdon Road.**
- 6.14 The first floor of the building is owned by the applicant and is proposed to be used as a bed and breakfast which would effectively provide some self control over the level of disturbance.
- 6.15 **The proposed opening hours are clarified within the design and access statement and are Monday to Thursday 10am – 12pm, Friday and Saturday 10am – 1am and Sunday 10am – 12pm. The Council's Senior Environmental Health Officer raises no objections to these proposed hours, as they are consistent with other nearby licensed premises.**
- 6.16 It is considered that subject to conditions **to control the opening hours and restrict the use of the rear courtyard area**, the proposal would not result in any significant adverse impact on the amenities of neighbouring residents. In fact there are similar uses within the town centre which are located in close proximity to residential properties and subject to appropriate controls such as the conditions recommended do not cause any adverse impact.

#### **Other Issues**

- 6.17 Operating hours may be subject to further scrutiny via the Licensing Act 2003, which is required in addition to planning permission. This is dealt with by separate legislation and is still under consideration.
- 6.18 **As part of the additional information submitted, a listed of proposed conditions was included, this included conditions to ensure that a personal licence holder is on duty at all times, a formal 'Challenge 21' scheme be adopted, CCTV to be installed, no glass bottles to be taken from the premises or re-entry after midnight. These are not things that can be controlled via Planning Conditions and could be part of the premises license if considered to be necessary.**

#### **Background Papers**

None.