

2021/0508

Mr David Lockwood

Change of use of external yard and passageway to outside dining area and erection of rear lean-to

The Anvil Arms, Church Street, Darton

Background

2017/0404 - Subdivision of existing building to allow for creation of 1 no. dwelling, 1 no. flat above shop and alterations to part of shop to include staircase to first floor flat – Approved with conditions

2017/0789, 2017/0788

Change of use from shop (Class A1) to Micro pub (Class A4) and Advertisement Consent for replacement signage - Approved with conditions – including the following

- The use as approved, for a micro pub, shall be limited to that area within the red edge on the approved plan and there shall be no external seating or tables provided in connection with this use outside that red edge area.

Reason: For clarification and in order to protect neighbouring amenity in accordance with CSP40.

- The use hereby permitted shall be carried on only between the hours of 11:00 and 23:00 Monday to Sunday.

Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

Description

The property is a mid-terrace set within the Local Centre of the village of Darton. Darton has an array of shops, takeaways, restaurants, pubs and a medical centre within the local area. The property dates back from early 1900's and is a former co-operative shop, it is constructed of stone and has an alleyway at ground floor with a room above, accessing a hard surfaced yard to the rear. The property has been used as a micropub since 2017 following the grant of planning permission 2017/0789. The property is now known as The Anvil Arms.

The change of use has already taken place due to COVID-19 restrictions and the outdoor steading areas are currently used in good weather, however the lean to has not been constructed. The areas in use include the front yard which is enclosed by a stone wall, and the covered passageway. During use the agent states that 'the access to the rear is temporarily blocked by using 'café barriers' to form a suitable demarcation, preventing any overspill onto the footpath adjacent to Church Street.'





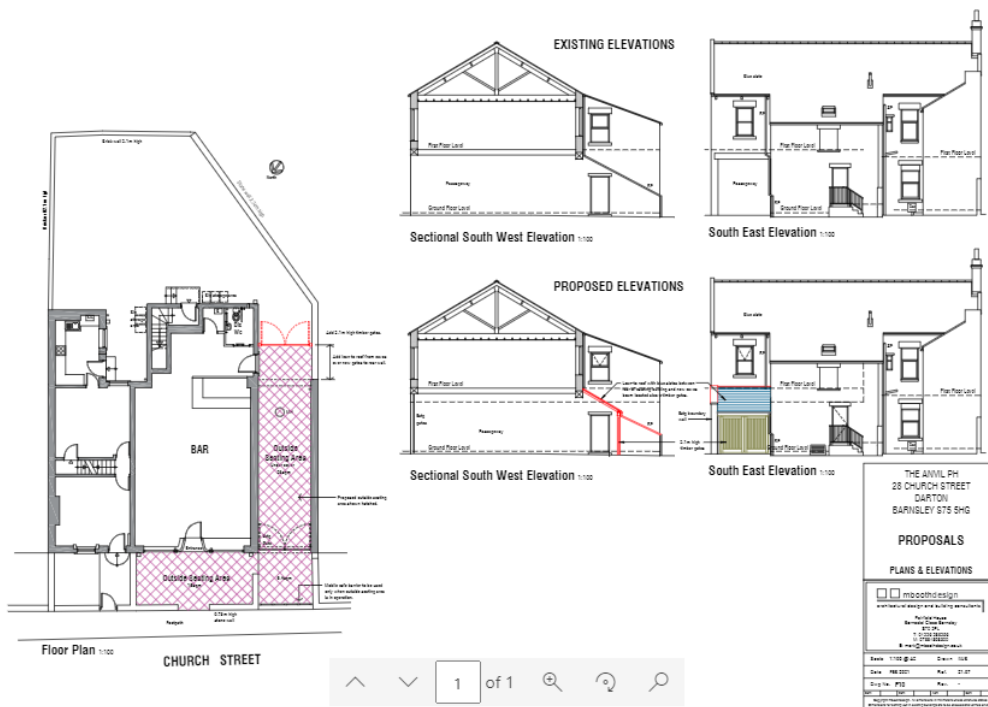
Proposed Development

The previous planning permission 2017/0789 for the change of use of the building into a micropub had a condition which limited the use to within the building. This was due to concerns from neighbouring residents in relation to the possible use of the rear yard area for outdoor seating and smoking areas.

The applicant now seeks permission for the formal change of use of front external yard (not the rear yard area) and passageway to outside seating area and erection of rear lean-to with gates. Due to recent restrictions during the COVID-19 Pandemic and restrictions for indoor drinking, the use has already taken place and the outdoor steading areas are currently used in good weather.

The front yard is separated from the footpath and road by a low stone wall and has a total area of 28.4sqm. The passageway has an area of 35sqm. The applicants consider that the space is sufficient to provide 2, 6-8 person tables at the frontage and a further 6 tables within the passageway.

At the rear of the passageway a lean-to roof with gates would be used to separate the drinking area from the rear yard when in operation.



The applicant has provided the following justification in support of the proposal:-

'The existing space at The Anvil Arms is currently limited to indoors and has a capacity of 26 people with the most recent social distancing measures and government guidelines on 'table service'. Operating at this restricted capacity has had a severe negative impact on the business and is not sustainable. The evidence in favour of outdoor space to reduce the risk of infection from COVID-19 is strong and highly supported by the national government who are encouraging the use of beer gardens and outside space wherever possible in order to support the hospitality industry in a safe way. We are applying to use the covered 'ginnel' area adjacent to the pub and the area to the front of the pub as vital outside space for our customers to use and to ensure the longer-term sustainability of the business post COVID. We propose to use the outdoor area during our opening hours, and weather permitting, have it in use throughout the year, although we don't envisage it being used much during the colder months. We propose approximately 6 tables which can sit 6/8 people in the ginnel and two tables at the front of the pub. The tables will be served by staff members from the main bar through either the front door or the side door which leads directly into the proposed area. The area will be monitored and managed by staff in the exact same way we would manage any indoor spaces with strict rules about behaviour/language and consumption of alcohol. We have taken several measures to ensure the privacy of neighbouring properties, such as keeping the proposed space in the ginnel area and not extending it to the rear of the property. We will be adding a lean-to roof and a gate at the rear of the ginnel which will be installed to give additional privacy to the neighbours to the rear of the business. We are confident that we will be able to create at least two new job roles with the additional capacity that this outside space will give us. These new positions would be in addition to the 1 full time and 3 part time roles we currently have. We feel that this space will be view as a unique asset to Darton. We are certain that it will allow us to continue to run the business sustainably and make a positive contribution to the local area in years to come. Our opening hours (from April 12th) are proposed to be: Mon-Thurs 16:00 to 21:00HrsFridays15:00 to 22:00HrsSaturdays13:00 to 22:00HrsSunday 13:00 to 21:00HrsBank Holidays 13:00 to 21:00Hrs.'

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making.

The new Local Plan was adopted at the full Council meeting held 3rd January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process. This means that it now takes on full weight for decision making process in planning law terms as the development plan for the Borough, superseding the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011).

Local Plan

Darton is a Local Centre and within the Local Plan Proposals Maps.

Policy TC1 Town Centres - States that the Local Centres serve smaller catchments and development here will be expected to meet the needs of the local area and not adversely impact on the vitality or viability of other nearby centres.

Policy Poll1 Pollution Control and Protection – sets criteria to ensure that new development does not unacceptably affect or cause nuisance to the natural and built environment or to people; or suffer from unacceptable levels of pollution.

Policy SD1 Presumption in favour of Sustainable Development – indicates that we will take a positive approach reflecting the presumption in favour of sustainable development in the National Planning Policy Framework and that we will work proactively with applicants to find solutions to secure development that improves the economic, social and environmental conditions in the area

Policy GD1 General Development - sets a range of criteria to be applied to all proposals for development.

Policy CC3 Flood Risk - states that the extent and impact of flooding will be reduced by: not permitting new development where it would be at an unacceptable risk of flooding from any sources of flooding, or would give rise to flooding elsewhere.

NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a position approach to their growth, management and adaptation.

Consultations

Ward Members – No comments received

Highways – No comments received

Drainage – Details to be checked by Building Control

Pollution Control – Following a site visit the officer confirmed that the development is unlikely to have an adverse impact on health and the quality of life of those living and/or working in the locality, so approval is recommended.

Environment Agency – No comments

Representations

Neighbour notification letters were sent to surrounding properties and a site notice was posted adjacent to the site. No comments have been received as a result.

Assessment

Principle of development

Darton is defined as a Local Centre as allocated within the Local Plan maps. The Local Centres serve smaller catchments and development here will be expected to meet the needs of the local area and not adversely impact on the vitality or viability of other nearby centres.

The change of use to outdoor seating area would be used ancillary to the existing micropub and is considered an acceptable use within the Local Centre of Darton. The use of the areas for outdoor seating is considered acceptable, subject to there being no significant impact on residential amenity by means of noise and disturbance, visual amenity or highways safety, which are material considerations and are assessed below.

Residential Amenity

No objections have been received to the proposed seating areas. The Council's Regulatory Services team have been consulted and have no objection to the proposal. The outdoor areas should be subject to conditions which restrict the hours of opening from 11am to 11pm in line with the existing opening hours.

It is acknowledged that the use of the outdoor areas would be likely to result in a greater level of activity at the premises than is currently the case. However, in considering the relationship with nearby properties the seating area is limited to the passageway and front forecourt and the rear yard is to be closed with gates and a lean to roof to prevent any use of this area.

The outdoor areas are limited in size and would not be in use after 2300hrs. In terms of loss of privacy to rear garden areas of the properties on Church Lane, the rear yard area is protected and not part of the proposal therefore cannot be used as an outdoor drinking or smoking area. This also means that customer comings and goings from the premises will still be limited to the Church Street frontage. On this basis it is considered that the proposal would not have a significant detrimental impact on neighbouring amenities. The proposal is therefore in compliance with Policy Poll1 of the Local Plan.

Highway Safety

The Council's highways section have not raised objections to the proposal. In terms of any parking issues, the expansion of the number of tables will not result in additional customers during inclement weather. The building is located within the Local Centre of Darton and therefore does not need to provide any off road parking for the use. There are public car parks within a short walk from the site and there are regular bus services also within walking distance. The use of the passageway for seating would restrict its use by vehicles when in use, however this would not be a significant issue and could be managed by the applicant to ensure that deliveries etc are timed outside of the hours of use.

Given the site is situated within a sustainable location, the proposal is therefore considered acceptable in terms of highway safety in compliance with Policy T4 of the Local Plan.

Flood Risk

The Environment Agency flood risk map suggests that land and property within Flood Zone 2 has a medium probability of flooding. Policy CC3 Flood Risk states that the extent and impact of flooding will be reduced by: not permitting new development where it would be at an unacceptable risk of flooding from any sources of flooding, or would give rise to flooding elsewhere.

The proposed change of use would not increase the discharge of surface water to the local drainage system or lead to further flooding. As this is an external space that would be used in inclement weather it is unlikely that there would be any users within the outdoor areas should a flood risk event occur. The proposal is considered in compliance with policy CC3 of the Local Plan.

Recommendation

Grant subject to conditions