

Planning Committee: 15 November 2022

Item Number: 7

Application No: [W 22 / 1008](#)

Town/Parish Council: Warwick
Case Officer: George Whitehouse
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Registration Date: 13/06/22

Expiry Date: 08/08/22

2 Chase Meadow Square, Narrow Hall Meadow, Warwick, CV34 6BT
Change of use from Class E (cafe) to Micropub (Sui Generis) FOR Ale Hub Limited

This application is being presented to Committee due to the number of objections received.

RECOMMENDATION

It is recommended that the Planning Committee grant this application subject to the suggested conditions

DETAILS OF THE DEVELOPMENT

Change of use from licensed cafe (class E) to micro pub (sui generis) which is to be tied to a management plan drafted to ensure the use does not result in unacceptable noise and disturbance for nearby residents.

THE SITE AND ITS LOCATION

The application site relates to an existing class E premises within a small local centre on the Chase Meadow development.

The site fronts onto a parking area serving the local centre and the adjacent Public House. A range of flats are located above the ground floor retail premises with further residential properties in the surrounding area.

PLANNING HISTORY

None directly relevant to application

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- BE1 - Layout and Design
- BE3 - Amenity
- TR3 - Parking

Guidance Documents

- Parking Standards (Supplementary Planning Document- June 2018)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Objection removed following the receipt of Environmental Health officers comments on the submitted noise survey

Health Officer and Environment Protection Officer: No objections subject to conditions

Warwickshire Police: No objection

Public Response: 6 Public objections citing noise disturbance, parking, suitability of use given the proximity of another drinking establishment.

ASSESSMENT

Principle of change of use

The application site is located within in Narrow Hall Meadow, Chase Meadow, Warwick local shopping centre. Local Plan Policy TC17 states that there will be provision to maintain the retail function of local shopping centres. The existing use is a cafe which benefits from a late alcohol licence and the change of use of this to a drinking establishment is considered acceptable in principle as the change from one non retail function to another non retail function is not prohibited by TC17.

TC17 goes on to state that changes of use from Use Class A to other uses will be permitted provided that the proposal is for a service or facility that can be demonstrated to meet an important unmet local need and which can be satisfactorily controlled by planning condition. Class A is now revoked however both existing and proposed use of this premises fell within this class. Therefore we can deduce that the use of a drinking establishment is not a use that would require this further evidence to be submitted.

It is therefore considered that Local Plan Policy TC17 is complied with and there is no issue in principal of the proposed use.

Amenity considerations

Policy BE3 of the Warwick District Local Plan states that new development which has an unacceptable adverse impact on the amenity of nearby uses and residents will not be permitted

The neighbours in the flats above have objected on the grounds that the proposed change of use would negatively impact on the levels of amenity. This is due the noise associated with a drinking establishment.

The application site is located within an area with a mix of uses including retail, educational and residential. The submitted application form indicates that the proposed drinking establishment seeks to operate from 12:00 to 23:00 on any day of the week.

the applicant has provided a noise impact assessment report prepared by Venta Acoustics (Ref. VA4322.220906.NIA, dated 6th September 2022). This report seeks to respond to the initial comments and objections regarding noise. The report provides the results from background sound measurements completed in the vicinity of the proposed development as well as measurements of the existing sound reduction performance between the ground floor unit and first floor residential apartments. The report has utilised the Council's plant noise planning criteria to demonstrate that the proposed heat dump and cellar cooler units will not have an adverse noise impact on the nearest residential dwelling. To ensure that the plant is maintained in accordance with this criteria, a planning condition shall be applied requiring the plant to be installed and maintained in accordance with the recommendations of the Venta Acoustic report.

The report indicates that a secondary ceiling is already in place at the ground floor commercial unit and provides a good level of sound insulation performance. The report has assumed an internal noise level of 82dB(A) and suggests that the resulting noise level in the existing apartments above would be comfortably lower than NR20. The Noise Rating - NR - curves are used to determine acceptable indoor environment for hearing preservation, speech communication and annoyance.

Based on the proposed micropub use, subject to the management plan being adhered to, the protection measures in place will provide a suitable level of sound protection for the residents above. The Venta Acoustics report provides details of the noise management plan that would seek to minimise noise disturbance arising from customers inside and outside of the premises as well as ambient music played indoors.

Additional wording was suggested by the Council's Environmental Health Officer to be added to the initially submitted management plan in order to ensure the document serves its purpose. The additions were included in the latest iteration of the management plan. The noise management plan highlights potential sources of noise, both internally and externally and details the measures that will be in place to ensure these do not result in unacceptable noise and disturbance to nearby occupiers.

A condition will be added to the permission which secures the implementation of this management plan. The Council's Environmental Health Officer has no objections to the proposed change of use subject to conditions

There is a specific parking space for delivery vehicles which is able to be used by all units within the local centre and it is envisaged deliveries will take place between 10am and 2pm.

Subject to conditions the proposed use will not result in an unacceptable impact on the amenity of neighbouring occupiers. Therefore the proposals are compliant with Local Plan Policy BE3

Other Matters

No additional parking is required to be provided over and above the existing use in accordance with the requirements of the Council's Parking SPD.

Warwickshire Police have no objection to the proposed use

Summary

It is considered the proposals are acceptable subject to the suggested conditions. It is therefore recommended that Planning Permission is granted subject to conditions.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing 2022-04, and specification contained therein, submitted on 13/06/2022 approved document 4322.220906 NIA and specification contained therein, submitted on 07/09/2022. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 The use hereby permitted shall only be open to customers between the hours of 07:30 and 23:00 on Mondays to Sundays. **Reason:** To ensure that the site is not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 5 Noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured (or calculated to) one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.' **Reason:** To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the

amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 6 The use of the premises hereby permitted shall only operate in accordance with the approved Noise Management Plan submitted 24/10/2022 at all times. Following 12 months of the first occupation, the plan shall be reviewed, and this review shall be agreed in writing by the District Planning Authority **Reason:** To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
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