

18/00769/COU

Applicant Mr Christopher Mould

Location Citrus House Rear Of 3 To 5 Radcliffe Road West Bridgford Nottinghamshire

Proposal Change of use to social club

Ward Trent Bridge

THE SITE AND SURROUNDINGS

1. The application site is accessed off Radcliffe Road via a private access driveway that also serves some flats and other businesses. The ground floor of the building would house a reception area and toilets and the first floor would be divided into four rooms with a connecting corridor. The proposed use is for a private members social club called 'The Purple Mamba' and there is signage at first floor to identify the club.
2. This part of Radcliffe Road is commercial in nature with cafes, takeaways shops, restaurants and the Trent Bridge Inn public house opposite, as well as Trent Bridge Cricket Ground and the Nottingham Forest football ground in close proximity. There is a bus stop and cash machine on Radcliffe Road and the road itself is controlled by parking restrictions in the form of double yellow lines. Pavilion Road has some time restricted on-street parking bays and there is a public pay and display car park outside the Trent Bridge Inn.
3. Immediately to the rear of the application site is 'Pavilion Buildings' this building is in commercial use at ground and first floor. Adjacent to the east is a modern, purpose built block of flats that fronts onto Pavilion Road and there also residential flats above some of the commercial premises on Radcliffe Road, including flats accessed from (and overlooking) the private driveway over which the club is accessed.
4. The club has already begun operating.

DETAILS OF THE PROPOSAL

5. The application is for the change of use of the site to a social club. The applicant's supporting statement submitted as part of the application states that the current opening hours include: Friday 8pm – 2am, Saturday 8pm – 2am, Sunday 4pm – 10pm. *"There is potential in the future for extending the opening hours for Monday – Saturday 7pm – 3am, Sunday 2pm – 12am, in line with other business in the area"*.
6. Following a request for further clarification from the applicant it has been confirmed that the opening hours would be 8pm-2am Monday-Saturday and 4pm-10pm on Sundays. The application will be considered on the basis of these opening hours.

7. It is not proposed to sell alcohol or play amplified music and there will be no parking provision made for visitors to the club.

SITE HISTORY

8. There is little formal history associated with the site, anecdotally the Borough Council is aware the site has previously been used as warehousing, and a private members gym, but no formal permission exists for these previous uses. Planning permissions have been granted in the 1980s and 1990s for car repairs and a taxi business operating within the site, as defined by the red line on the site and location plan.

REPRESENTATIONS

Ward Councillor(s)

9. One Ward Councillor (Cllr Plant) objects to the application commenting, *“The club is in close proximity to residential housing and I think the nature of the activities taking place in the club might be a safeguarding issue to young and possibly vulnerable young people. I also have health and safety concerns regarding activities taking place in the club. I feel such is the nature of the change of use that in the interests of transparency the application should be referred to the planning committee.”*

Statutory and Other Consultees

10. The Nottinghamshire Police has no objection to the scheme based on reported crime or ASB associated with the premises since it opened. However, the officer expressed concern if the opening hours were to be extended past those currently in operation due to residential properties in the near vicinity.
11. The Nottinghamshire County Council as Highways Authority has confirmed that no observations are required for this application.
12. The Borough Council's Environmental Health Officer raises no object to the scheme, however, it is recommended that permission is only granted for a temporary period of twelve months to allow noise impacts to be assessed. It is also recommended that conditions are attached to ensure all doors and windows are kept shut, that outdoor areas are not used by customers between 2300 and 0900 except for access and egress, signage to be displayed advising customers to leave in a quiet and orderly manner, and restricting delivery and waste collection times.

Local Residents and the General Public

13. Comments have been received from 7 local residents objecting to the proposals on the following grounds:
 - a. Noise and disturbance from people entering and leaving the club, including groups standing outside to smoke.
 - b. Vomit and urine being left in the areas outside.

- c. Impact on parking including blocking of private parking spaces.
- d. Conflict between cars and people along the driveway/alleyway to access the club.
- e. 3am opening time is unreasonable.
- f. Impact of music and revving engines from cars.
- g. Alleyway/driveway area is less secure.
- h. Concerns about potential inappropriate behaviour and impact on young people and children living in and visiting nearby flats.
- i. Difficulty in finding future buyers and tenants for the flats.

PLANNING POLICY

- 14. The Development Plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy and the 5 saved policies of the Rushcliffe Borough Local Plan 1996. Other material planning considerations include the National Planning Policy Framework (NPPF) and the Rushcliffe Borough Non-Statutory Replacement Local Plan 2006.

Relevant National Planning Policies and Guidance

- 15. The National Planning Policy Framework carries a presumption in favour of sustainable development and states that for decision taking this means approving development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate development should be restricted.
- 16. Paragraph 7 of the NPPF sets out the three dimensions to sustainable development, these are the economic, social and environmental role.
- 17. Paragraph 19 states that *“The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. 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.”*
- 18. Paragraph 69 sets out the role of the planning system in supporting healthy communities, including achieving places that support *“safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;”*

Relevant Local Planning Policies and Guidance

- 19. None of the 5 saved policies of the Rushcliffe Borough Local Plan 1996 are applicable to this proposal.

20. Policy 1 of the Rushcliffe Local Plan Part 1: Core Strategy reinforces the positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.
21. Whilst not part of the development plan the Borough Council has adopted the Rushcliffe Borough Non-Statutory Replacement Local Plan for the purposes of development control and this is considered to be a material consideration in the determination of planning applications. Policy GP2 is concerned with issues of amenity and the effect of proposals on neighbouring properties.

APPRAISAL

22. In principle, the use of the site for a social club is considered an acceptable use in an existing busy commercial area where bars, restaurants and takeaways already operate. It therefore falls to be considered whether the proposal will generate undue noise and disturbance, either as a result of the use itself or as a result of people accessing and egressing the club late in the evening, and the effect this would have on local residents. It also falls to be considered whether there is any potential crime or antisocial behaviour likely to be associated with the club and the Ward Councillor has also raised issues of safeguarding for young people.
23. Whilst the Ward Councillor's concerns about safeguarding are acknowledged, it is noted that the police have not raised any concerns over this, or crime and anti-social behaviour. The club operates an over 21s only policy and activities are confined to within the club with no outdoor or public areas. It is not, therefore, considered that this could be supported as a reason for refusal. Any health and safety issues relating to the club would be dealt with separately by the Borough Council's Environmental Health team.
24. The proposed opening hours are until 2am Monday to Friday and 10pm on Sunday. By way of context, the Southbank bar has permitted opening hours until 3am every day, and the Trent Bridge Inn is licensed until 2am during the week and 1am on Sundays. Hubble Bar (immediately behind the application site) has permitted opening hours until 1am on Friday and Saturdays, Taj Lounge (further down Radcliffe Road) has permitted opening until 1am Sunday - Thursday and 3am Friday and Saturday. This is not an exhaustive list of the premises operating in the nearby vicinity of the proposed social club (and some premises have been operating historically and do not have controlled hours of use), however it does serve to give a snapshot of the activity currently occurring in the local area and general Radcliffe Road/Trent Bridge area.
25. The application site is slightly different as it is accessed via a private driveway which is overlooked by the windows of flats, and is therefore set back from the main activity on Radcliffe Road, which currently gives residents a more peaceful environment. This is balanced against the specific nature of the use, which, as a club, has a limited capacity and it is considered likely that persons visiting it would potentially spend longer there rather than visiting from bar to bar which patrons of the Southbank or other bars and restaurants in the area may do. It can be expected that overall the number of comings and goings from the club are likely to be less than from a bar or restaurant open to the general public. No alcohol is proposed to be sold on

the premises (although customers can take their own drinks into the premises) and no live or amplified music is proposed to be played (background pre-recorded music only).

26. Residents have raised concerns about car music and revving engines, however, it is difficult to demonstrate whether or not these are directly associated with the use as a social club. To protect against this and the risk of residential parking spaces being blocked by cars associated with the club a condition restricting access by vehicles could be imposed.
27. Residents have also raised concerns about noise from people smoking outside, this could also be controlled by condition.
28. On balance, given the hours of operation proposed and the conditions recommended by the Borough Council's Environmental Health Officer, in addition to those suggested above, it is recommended that planning permission should be granted on a temporary basis for twelve months to allow the impacts of the development to be monitored further.
29. The proposal has not been subject to any pre-application discussion, nonetheless clarification over hours of operation has been sought from the applicant during the course of the application and proposed conditions explained. This has resulted in an acceptable application and the recommendation to grant planning permission.

RECOMMENDATION

It is RECOMMENDED that planning permission be granted subject to the following condition(s)

1. This permission authorises the use of the premises as a social club for a limited period expiring on 30 June 2019, on or before which the use of the premises as a social club shall cease, unless a further planning permission has been granted for the use to continue.

[To enable the Borough Council to monitor the use of the premises and determine whether permission on a permanent basis would be appropriate, in the interests of the amenities of nearby residential properties and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

2. The premises shall only be open to customers between the hours of 20:00 and 02:00 Monday - Saturday and 16:00 and 22:00 Sundays and Bank Holidays.

[In the interests of amenity and to comply with policy GP2 (Design and Amenity) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

3. The outdoor areas of the premises shall not be used by customers between the hours of 23:00 and 09:00 (Monday evening through to Sunday morning) and not between the hours of 22:00 and 09:00 Sunday through to Monday morning) except for access and egress.

[To protect neighbouring residential properties from noise and disturbance, in accordance with Policy GP2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

4. Delivery and waste collection times shall be restricted to the following times, to cause the minimum amount of disturbance to neighbouring residents:

Monday-Friday 0700 - 1800 hours

Saturday 0800 - 1700 hours

Sunday/Bank Holidays No deliveries or waste collection

[To limit noise and disturbance to neighbouring residential properties in accordance with Policy GP2 (Design and Amenity) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

5. All doors and windows to building shall be kept closed whenever amplified music is being played on the premises, except for access and egress or in the event of an emergency. There shall be no speakers installed or amplified music played in the outside areas to the premises at any time.

[To limit noise and disturbance to neighbouring residential properties in accordance with Policy GP2 (Design and Amenity) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

6. There shall be no use of the area within the red line application site for the parking of customer vehicles or for dropping off/picking up of customers associated with the club.

[The site does not possess any designated parking areas associated with the club, and this condition is required to protect the amenities of residents/business owners from additional car access and parking. In accordance with policy GP2 (Design and Amenity) of the Rushcliffe Borough Non-Statutory Replacement Local Plan.]

7. Within 28 days of this permission being granted a scheme of signage shall be implemented, in accordance with details to be first submitted to and approved by the Borough Council, advising customers to be respectful to neighbouring residents and to leave the area in a quiet and orderly manner.

[To limit noise and disturbance to neighbouring residential properties in accordance with Policy GP2 (Design and Amenity) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]