

# 19/P/01807 - 60 Quarry Street, Guildford



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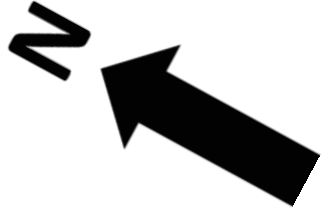
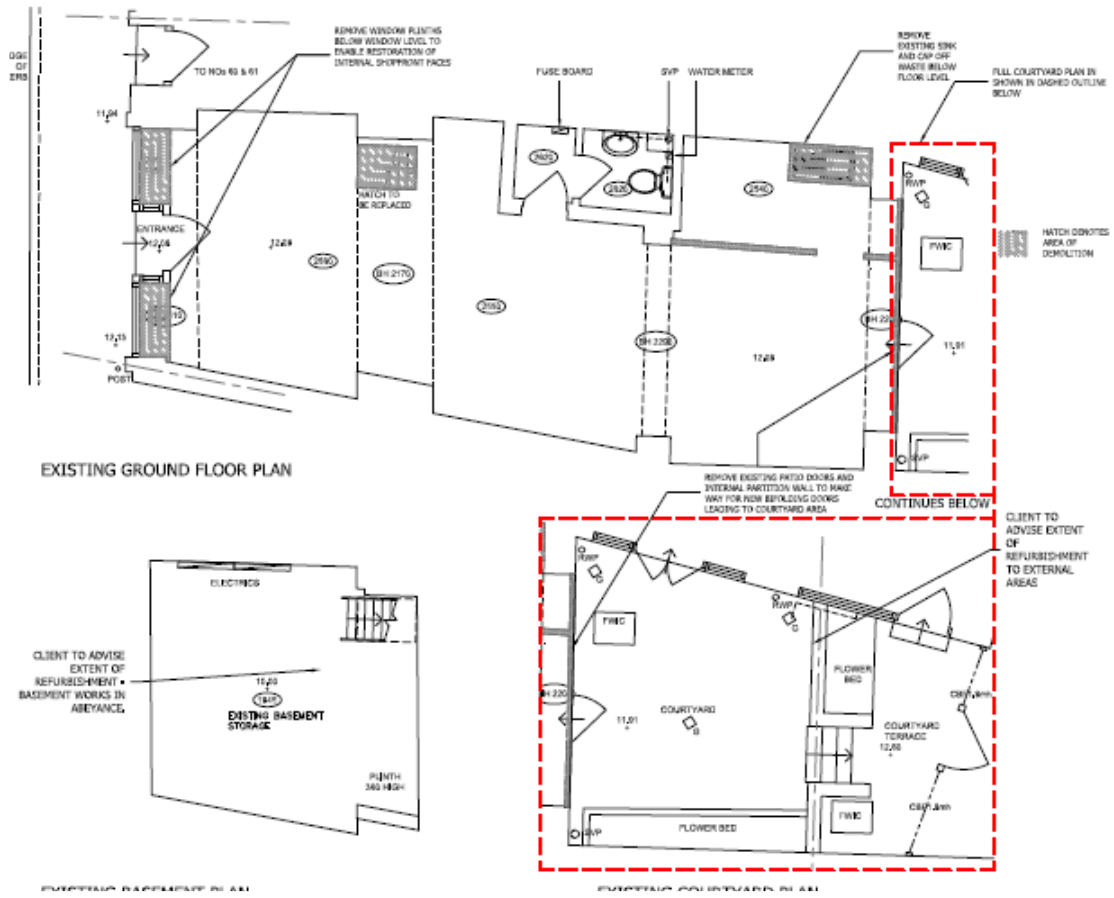
Print Date: 14/02/2020



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**App No:** 19/P/01807  
**Appn Type:** Full Application  
**Case Officer:** Chris Gent  
**Parish:** Holy Trinity  
**Agent :**

**8 Wk Deadline:** 24/03/2020

**Ward:** Holy Trinity  
**Applicant:** Mr A Dore  
Corkage  
60 Quarry Street  
Guildford  
GU1 3UA

**Location:** 60 Quarry Street, Guildford, GU1 3UA  
**Proposal:** Change of use of the premises from A1 use to mixed use (A1/A4) (retrospective application) (revised location plan and floor plan received on 28/01/2020 to include the patio area to the rear of the Corkage unit within the red line area) (description amended 28/01/2020).

The application was originally due to be heard at Planning Committee on 29 January 2020 however, in advance of this it became apparent that there was a discrepancy between the application site drawings and the description of what permission was being sought for. It was therefore deferred in order for officers to request a revised location plan and floor plan which includes the entire patio area within the red line area. As the red line area was increased, the neighbours were re-notified.

#### Updated Environmental Health comments

Following receipt of the updated location plan and floor plan which includes the entire patio area within the red line, further Environmental Health comments have been received which are summarised below:

There is no objection to the effect from within the building itself. But the use of the outside patio area does have an effect.

A visit has been carried out to the residential flat above the unit. Any normal activity would be audible in the bedrooms of the first floor flat and probably, but to a lesser extent in the other flats on either side of the courtyard. The main concern is around the effect of the noise during the evening period

The use of the patio should be restricted to protect the effect on the residential unit above, it is recommended that the time of operation be limited to before 19:30.

It should be noted here that if a noise complaint is made by a residential occupier, an investigation would be made under the statutory nuisance provisions of the Environmental Protection Act 1990.

#### Updated impact on amenity

The originally submitted location plan showed only the internal element of the premises within the red line and did not include the patio area to the rear. The Environmental Health officer raised no objection to the internal use of the premises.

The location plan (and floor plan) have now been amended to include the entire patio area within the red line area.

Following the submission of a revised location plan, an objection has been raised by the Environmental Health officer regarding the use of the rear patio. It is accepted that there is some effect from noise from the patio to the flat above. However, restricting the use of the patio area to day-time and early evening is considered, by the Environmental Health officer to overcome the objections and limit the negative effects. Whilst use during the day time would still give rise to audible noise to the flat above, the effect during the day time is unlikely to be considered harmful, especially given the town centre location of the site. Therefore a condition is recommended to prevent the use of the patio area after 19:30 hrs.

Subject to this condition being imposed, officers are satisfied that the use of the patio would not result in a harmful impact on neighbour amenity. No objection is raised in respect of the use of the building itself and therefore no additional controls are required in this respect given the licensing controls already in place.

#### Additional consultation comments

A letter has been received (dated 10 January 2020) from the Holy Trinity Amenity Group requesting controls regarding:

- use of the building
- noise attenuation measures
- limits to opening hours

#### Additional and updated conditions

The original conditions are updated with the drawing numbers condition now referring to the revised location plan and an additional condition has been imposed restricting the hours of use of the patio area. The conditions will read as follows:

1. The development hereby permitted shall be carried out in accordance with amended site location plan and drawing number STA.CORKAGE.GA001 received on 28/01/2020.

Reason: To ensure that the development is carried out in accordance with the approved plans and in the interests of proper planning.

2. The rear patio area shall not be used other than between the hours of 11:00 to 19:30 Monday to Saturdays (inclusive), and 11:00 to 17:00 on Sundays and Bank or National Holidays.

Reason: To safeguard the residential amenities of neighbouring properties.

## **Appendix 1**

### **Executive Summary**

#### **Reason for referral**

This application has been called to committee by Councillor John Redpath on neighbour amenity grounds, based on Policy E7 (4.4.86) of the 2019 Local Plan and Section G1 para 4.8 of the retained part of the Local Plan 2003.

## Key information

Change of use of the premises from A1 use to mixed use (A1/A4) (retrospective application)

## Summary of considerations and constraints

This application seeks retrospective planning permission for a change of use from A1 Class to a mixed use comprising A1/ A4.

The ground floor has been operating under an A1 Class (a wine retailer - 'Corkage') with a premises licence to offer wine tastings, since commencing trading in January 2016. As the on-site consumption has evolved over the past 3 years to approximately 60% of the total revenue, it was deemed by the Council that continuing to trade under an A1 Class would constitute a planning contravention. Accordingly, this application has been submitted seeking change of use from A1 Class to a mixed use comprising A1/ A4.

The proposed development would not have an adverse impact on the character of the area.

## **RECOMMENDATION:**

### **Approve - subject to the following condition(s) and reason(s) :-**

1. The development hereby permitted shall be carried out in accordance with unnumbered site location plan and drawing number E02 received on 17/10/2019.

Reason: To ensure that the development is carried out in accordance with the approved plans and in the interests of proper planning.

## **Informatives:**

1. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:
  - Offering a pre application advice service
  - Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues arising during the course of the application
  - Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process

However, Guildford Borough Council will generally not engage in unnecessary negotiation for fundamentally unacceptable proposals or where significant changes to an application is required.

Pre-application advice was not sought prior to submission and the application was acceptable as submitted.

## **Officer's Report**

### **Site description**

The site is located in the Guildford urban area within the Town Centre Conservation Area. Quarry Street comprises a mixture of buildings and uses, with generally retail at ground floor level and office or residential on the levels above. The application site is located directly opposite a Grade I Listed Church. 60 Quarry Street is a three storey building that is relatively deep with a courtyard to the rear.

### **Proposal**

Change of use of the premises from A1 use to mixed use (A1/A4) (retrospective application)

(Officer note: The application is for a mixed use and not a sui-generis use). All reference to a sui-generis use has therefore been removed from the application description)

### **Relevant planning history**

10/P/01652 - Change of use of the first floor from offices (B1) to residential (C3) to provide two 2-bedroom flats. Approved with conditions - 16/11/2010

10/P/02391 - Change of use of second floor from Class B1 (offices) to Class C3 (residential) to provide two one bedroom flats (amended plans received 25/01/11). Approved with conditions - 16/02/2011

10/P/00399 - Installation of new shop front. Approved with conditions - 19/04/2010

### **Consultations**

Licensing Authority - no objection. Since Corkage opened the Licensing Authority has received several complaints relating to the premises, primarily concerning public nuisance. Most complaints were investigated by officers from the Environmental Health team, but there were insufficient grounds under the Licensing Act 2003 to review the licence.

Environmental Health - no objection

Holy Trinity Amenity Group - no comments received

### **Third party comments:**

1 letter has been received raising the following objections and concerns:

- business has been operating as a bar since opening
- noise nuisance from customers conversing on rear patio area, bottle collection/shutting of patio doors and music
- existence of bar has resulted in smokers congregating to the front of premises
- refuse/accumulation of cigarette litter
- invasion of privacy and light (the use of the courtyard does not result in unacceptable loss of privacy or light pollution to the residential flats above)

### **Planning policies**

The following policies are relevant to the determination of this application.

## **National Planning Policy Framework (NPPF) (as revised on 24 July 2018)**

Chapter 12. Achieving well-designed places

### **Guildford Borough Local Plan: Strategy and Sites (adopted by Council on 25 April 2019)**

Policy D1: Place shaping

Policy E7: Retail and leisure uses in Guildford Town Centre

The Guildford Borough Local Plan: Strategy and Sites was adopted by Council on 25 April 2019. The Plan carries full weight as part of the Council's Development Plan. The Local Plan 2003 policies that are not superseded are retained and continue to form part of the Development Plan (see Appendix 8 of the Local Plan: strategy and sites for superseded Local Plan 2003 policies).

### **Guildford Borough Local Plan 2003 (as saved by CLG Direction 24 September 2007):**

Policy G1

Policy G5

## **Planning considerations**

The main planning considerations in this case are:

- the principle of development
- impact on character
- impact on amenity

### The principle of development

The site is located within the urban area of Guildford and inside the Town Centre Conservation Area. Quarry Street comprises a mixture of buildings and uses, with generally retail at ground floor level and office or residential on the levels above. 60 Quarry Street is a three storey building that is relatively deep with a courtyard to the rear.

The ground floor has been operating under an A1 Class (a wine retailer - 'Corkage') with a premises licence to offer wine tastings, since commencing trading in January 2016. As the on-site consumption has evolved over the past 3 years to approximately 60% of the total revenue, it was deemed by the Council that continuing to trade under an A1 Class would constitute a planning contravention. Accordingly, this application has been submitted seeking retrospective planning permission for a change of use from A1 Class to a mixed use comprising A1/ A4.

Policy E7 (5) of the Guildford Borough Local Plan: Strategy and Sites (adopted by Council on 25 April 2019) sets out that within the Primary Shopping Area, exceptionally the loss of shopping area uses (Class A) at ground floor level will be permitted, subject to the other criteria within E7, where the proposed use is appropriate to a centre shopping frontage.

The building is not located within a Primary or Secondary Shopping Frontage and therefore it is not required to assess the proposal against the other criteria of this policy.

The proposal is for a mixed use which would be appropriate to a centre shopping frontage and would not result in the loss of a Class A use. As such, the proposal is acceptable.

### Impact on character

The site is located within the Town Centre Conservation Area. The proposal is for a change of use with no physical external changes. As such, the proposal would not impact on the conservation area.

### Impact on amenity

Quarry Street comprises a mixture of buildings in office, retail and residential use.

Corkage is a retail shop and bar, which sells alcohol to the public for consumption on and off the premises. Above Corkage and the adjoining retail unit at 61 Quarry Street, are four residential flats; two at first floor level and two at second floor level. There is a courtyard at the rear of the application site.

Since Corkage opened the Licensing Authority has received several complaints relating to the premises, primarily concerning public nuisance. Most complaints were investigated by officers from the Environmental Health team, but there were insufficient grounds under the Licensing Act 2003 to review the licence.

The Environmental Health officer has advised that an initial complaint was made in 2017 in relation to a generator buzzing at night, this was resolved without any action required. In June 2018 there was a further complaint relating to customer noise after closing, bottle collection, an alarm sounding at night, cigarette butts and smoking. This was investigated over several weekends on the noise patrol. It was discovered that the bottle collection was a nearby licensed premises and the cigarette butts were unlikely to be from customers. The faulty alarm was rectified and there was little noise in the vicinity directly as a result of customers. Indeed other premises nearby were much louder.

Following a review of the premises licence several measures were taken up by the premises, including the addition of an awning above the garden area. A complaint was received relating to the noise of rain on this awning, which again was rectified. Noise and other issues at the premises have been dealt with by way of management controls, and the premises has been receptive to taking these measures.

It is noted that there are a number of existing conditions on the site, relevant to this application. 1). The premises shall be a smoke free zone at all times and no smoking to take place in the courtyard. 2). There shall be no music to be played in the courtyard. 3). No deliveries shall take place outside of normal opening hours.

The Environmental Health team and Licensing team raise no objection to the proposal.

Given the above, the proposal would not result in a harmful impact on neighbour amenity and complies with policy G1(3) of the Guildford Borough Local Plan 2003 (as saved by CLG Direction 24 September 2007) and the National Planning Policy Framework (NPPF) (as revised on 24 July 2018).

### **Conclusion**

The proposal would be appropriate to a centre shopping frontage and would not result in the loss of a Class A use. In addition, it would not have an adverse affect on the character of the area, nor would it impact on neighbour amenity.