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REPRESENTATION BY WICKERSLEY PARISH COUNCIL TO PLANNING APPLICATION RB2021/0097 CHANGE OF USE TO DRINKING ESTABLISHMENT WITH DECKING TO FRONT FOR SEATING PODS AT 129, BAWTRY ROAD, WICKERSLEY

Wickersley Parish Council wishes to lodge **very strong objection** to the planning application to change the use of the above property, now known as The Garrison, to a drinking establishment and to provide a decking area to the front for outdoor seating and an outside bar. The Parish Council ask that the application be refused on the grounds that this proposal would significantly intensify the use of these premises in such a way that it would result in serious detriment to residential amenity due to late night noise and other disturbance along with an increase in crime and anti-social behaviour associated with existing drinking premises within Wickersley district centre.

The basis for this objection is fully set out below.

Changing Character of Wickersley District Centre

It is now commonly recognised that Wickersley centre now has a large night-time economy and has become the most popular centre in Rotherham for an evening out with the number of bars and restaurants growing significantly in recent years. Whilst it is recognised that there are positives in this change by retaining a vibrant centre at a time of reduced demand for retail outlets, the current level of evening activity, especially at weekends, is having a profoundly negative impact on the largely residential properties that are in close proximity to the centre (in normal times prior to the pandemic). The centre now attracts customers from a wide area and does not just cater for the local community in the way it did in the past.

There are currently 10 licensed premises within Wickersley, 7 of which are restaurants (often with bars) and 4 drinking establishments which are now classed as sui generic uses since the recent changes to the Use Classes Order (previously

class A4). In addition, three former retail units on Bawtry Road/The Courtyard are in the process of being converted to a restaurant. Out of a total of 88 units within the centre, this represents 12.5% of the units comprising licensed premises. The majority (8) of these premises are located on the north side of Bawtry Road close to residential properties and all of the drinking establishments.

In addition, there are two additional units within the Tanyard and the former Healey's building that have planning permission for cafe/restaurant use which increases the potential number of licensed premises to 17%. This proportion could increase at any time given that planning consent is no longer required to change the use of retail premises to restaurants although there will still be a need for consent for drinking establishments as in this particular case.

By comparison, Rotherham Town Centre has 29 restaurants and drinking establishments which represents 10% of the total number of units despite planning policy which seeks to focus the night time economy in that location. Indeed, Wickersley has the largest proportion of restaurants and bars/pubs out of the District centres in Rotherham which proves the point that it has the most lively evening economy of all the Rotherham centres.

It is not just the number of such establishments that have increased in Wickersley in recent years, it is also the intensity of use. Three of the drinking establishments (Mason's, Olive Lounge, and Three Horseshoes) have outside bars that normally attract large numbers of people to congregate to the front and sides of the buildings especially in the summer months. Furthermore, two of the restaurants have extended their seating capacity by large front extensions and a number have bars that serve to customers just wanting a drink as well as to those waiting to be seated for a meal.

Most of the restaurants have licenses until at least midnight at weekends and the bars/pubs until 1 or 2 am. It is this late noise and activity associated with the bars in particular which causes the most nuisance for local residents.

Cumulative Impact Zone

Rotherham Council has recently designated Wickersley as a Cumulative Impact Zone under licensing legislation in recognition that Wickersley centre does not have the required infrastructure to deal with a large and sustained evening economy and that the current number of licensed premises is negatively impacting the largely residential properties that are in close proximity to the centre. Following extensive consultation, the Council concluded that the number of licensed premises within Wickersley is at such a level that no further licenses or variations to licenses should be granted unless it can be demonstrated that they would not impact any further on the cumulative impact of existing licensed premises.

The consultation exercise carried out prior to introduction of the CIZ generated a large response from Wickersley residents with approximately 40 attendees all expressing their serious concerns about the current level of evening activity and the problems they were experiencing with regard to late night noise and disturbance, general drunkenness and anti-social behaviour, litter especially glass, drug taking and many others.

It is recognised that the considerations taken into account in considering licensing and planning applications are not entirely the same. However, there are two licensing objectives which are also material considerations when deciding planning applications. These are prevention of public nuisance and prevention of crime and disorder.

In the report on the CIZ, two key areas of concern were cited under the objective of 'Public Nuisance'. These were noise nuisance for residents and issues with the street scene.

42 noise complaints to Environmental Health had been made since 2016 and residents cited three main areas of concern at the consultation sessions;

- Outside drinking and live music in gardens and terraced areas in summer months
- Noise from customers leaving premises and staying in the area after licensed hours
- Noise from premises staff after licensed hours

A further major concern was the overall cleanliness and appearance of the community which was negatively impacted by litter, broken glass, urine and vomit on the streets.

With regard to crime and disorder, crime data for the area including Wickersley centre showed that crime rates were consistently high in both 2017 and 18 with the most common crimes being of a violent nature followed by anti-social behaviour which consisted of personal and environmental issues, as well as nuisance behaviour. Taking all offences into account, 65% of all crime in Wickersley West could be linked to the night-time economy within the area.

The CIZ report also recognised that there are more people aged 65 and older in Wickersley compared to the Borough average which increases the impact felt by residents due to crime and anti-social behaviour, especially for disturbance that takes place within the hours of a night-time economy.

The CIZ cited the responses of some residents which summed up the safety concerns as follows;

'People are scared to go out in the evening due to the amount of people drinking outside;

'Wickersley has become out-of-bounds for many residents at weekends'

From the responses received from local residents to the CIZ proposal it is clear that , whilst the sheer concentration of licensed premises in Wickersley is leading to problems for local residents, it is the bars and pubs that cause the most issues.

This is due to the large numbers of customers, the late-night opening which leads to drinking over a long time, noise and disturbance when leaving including anti-social behaviour associated with drunkenness. Furthermore, outside seating areas and bars are of particular concern both because the ease of noise transfer to residential property and the unease of local residents in passing large numbers of people drinking.

Given that Wickersley is now recognised by Rotherham Council as one where licensed premises should be controlled and the overlap between licensing and planning objectives, the above considerations are very relevant to the current planning application at the Garrison.

Wickersley Neighbourhood Plan

Wickersley Parish Council is currently producing a Neighbourhood Plan and has just completed its consultation on the Draft Plan.

As part of the initial consultation a residents survey was carried out and the number of pubs and bars was cited as the second most common response to the question of what was their least favourite thing about Wickersley. 35% of respondents wanted to see fewer drinking establishments with a further 58% saying the number was about right. There was less concern about restaurants. In addition, the Parish Council consulted people living closest to the centre about the impacts from drinking establishments in particular. The responses mirrored those for the CIZ with late night disturbance from customers leaving the premises and from outdoor areas in the summer months being of particular concern as well as loutish and drunken behaviour.

In response to residents views, the draft Neighbourhood Plan includes a policy which seeks to restrict the number of drinking establishments to the current level of 5% of the total number of units. The majority of respondents to the draft Plan support this policy and this includes Rotherham Council's planning department who consider the evidence provided is acceptable for justifying this policy. It would therefore undermine the policy in this emerging Neighbourhood Plan if planning consent is now granted for a further drinking establishment in the District Centre.

Impact of the Proposal

The application premises were granted change of use to a mixed A1 retail and A3 cafe/restaurant in May 2015 and were last used as a delicatessen/cafe/restaurant

before changing to The Garrison shortly before the covid pandemic. The planning application indicated hours of opening until 10pm only.

The current proposal to change the use to a drinking establishment, especially one with outdoor seating and outside bar, is a very different operation to that of its previous use as a low key cafe/restaurant. Firstly, the proposal would very significantly intensify the use of the premises by reason of the number of customers that could be accommodated both within and outside the premises especially if, like other such premises, there was a significant amount of vertical drinking in addition to any seated areas. The outside area alone is shown to seat at least 24 people with additional barrel tables presumably for use by standing customers. The presence of an outside bar would also encourage outside drinking which could easily spill out onto the pavement beyond the decked area.

The application is not accompanied by a plan showing the proposed layout of the internal areas but would undoubtedly accommodate many more customers as a bar than it did as a restaurant. In addition, there is no indication of the proposed hours of opening so it could well be the intention to open late at night.

In addition to the intensity of use, a drinking establishment would add to the problems described above in relation to the existing bars and pubs in Wickersley. The proximity of the premises to residential properties in Green Lane and Rosemary Road as well as on Bawtry Road itself would lead to late night noise disturbance from the premises themselves as well as from customers passing residential properties and lingering in the area after closing time. It would also add to the existing problems of broken glass, loutish and anti-social behaviour as well as criminal activity already being experienced in Wickersley as demonstrated above.

This cumulative impact is a factor to be taken into account as well as the individual impact from the premises alone. In that regard it is important to point out that the premises would be located within a cluster of night time uses being adjacent to Gaslamp which, prior to covid, was largely operating as a bar at weekends despite it only having planning consent as a restaurant. In addition, The Three Horseshoes, located on the other side of Green Lane has added an outside bar in its garden area . This concentration of drinking activity so close to residential properties would be unacceptable and lead to even more problems for local residents.

It is acknowledged that the premises are located within a part of the district centre where drinking establishments are not restricted under policy SP 20 of the Rotherham Local Plan as they lie outside the Primary Shopping Frontage. However, that does not mean they are acceptable taking account of the impact on residential amenity. indeed, this is recognised in Local Plan policy SP25 which relates to Rotherham Town Centre Evening Economy. That policy seeks to encourage uses associated with the evening economy within Rotherham Town Centre in recognition of that being the most appropriate location for such activity. However, even in that location the policy specifically says such uses will be acceptable provided they do not harm amenity or give rise to unacceptable noise or disturbance. For that reason

late night uses beyond midnight are only encouraged in certain locations within Rotherham Town Centre away from residential property. It cannot therefore be acceptable for unfettered increase of late night drinking establishments in a district centre such as Wickersley especially where they are located close to residential property such as in this case.

It is also the case that Policy SP52 of the Rotherham Local Plan on pollution control only permits development proposals that are likely to cause pollution (including noise pollution) where mitigation measures can be put in place to protect public health, environmental quality and amenity. No such mitigation measures have been put forward as part of this application, nor are any likely to be possible given the nature of the proposed use and proximity of residential areas.

It would not be appropriate to rely on the licensing regime to control the growth of drinking establishments within Wickersley even if it is now subject to the additional restrictions since the introduction of the CIZ in 2020. Both the planning and licensing regimes should work in a complementary manner, not least because they share common objectives with regard to public nuisance and crime and anti-social behaviour. Furthermore, in this case, the application premises already have a premises licence dating from 2015 which allows the sale of alcohol until 12 midnight and a further licence would therefore only be required for a variation to the licence beyond that time or for the outside bar and drinking area. It is therefore essential that the individual and cumulative amenity considerations are considered as part of this planning application .

It is acknowledged that restaurants and bars are likely to want to maximise the areas for outdoor eating and drinking in the coming months in response to the restrictions due to Covid. This does not, however, mean that the impacts on residential amenity can be ignored due to the particular circumstances of the pandemic. Furthermore, it cannot be assumed that social distancing requirements which would limit customer numbers will continue indefinitely and hence this planning application must be considered in the context of the hospitality industry being able to return to pre-pandemic conditions.

Finally, the Parish Council would like to point out that the lack of public response to this application should not be taken as an indication that local residents are not concerned about it. The neighbour notification process only extends to properties that are located in close proximity and, in this case, that only includes properties used for commercial purposes. It is therefore unlikely that local residents will be aware of this application despite its potential impact being felt over a much wider area from customers after they have left the premises and from noise travelling from the outdoor drinking area.

Conclusion

In conclusion, Wickersley Parish Council request that this planning application be refused on the grounds that it would intensify the use of these premises for consumption of alcohol and lead to an unacceptable impact on residential amenity. It would also add to the existing problems of noise and disturbance, crime and anti-social behaviour already being experienced by local residents from the high concentration of uses associated with the night time economy in Wickersley.

In addition to the objection by Wickersley Parish Council, the following councillors object individually (contact via parish council):

Miss E Boswell
Mr P Thirlwall
Mrs S Ellis
Mr N Judah
Mr A Gibson
Mrs B McNeely