

TUTBURY PARISH COUNCIL (TPC)

A meeting of the Parish Council was held at Tutbury Village Hall, Tutbury, Tuesday 07th September 2021. Those present were Cllr R Lock(Chair) Cllr K England (Vice Chair), Cllr C Smedley, Cllr F Crossley, Cllr L Anderson, Cllr M Upton, Cllr W Crossley.

9 Members of the public

09PXM/21 1.0 APOLOGIES.

1.1 Cllr P Steadman Cllr L Evans m Cllr D Morris

09PXM/21. 2.0 DECLARATIONS OF INTEREST & DISPENSATION REQUESTS

1.1 none declared

09PXM/21. 3.0 PUBLIC PARTICIPATION

Neighbours of the proposed property raised concerned regarding the change of use from a café to a Gin bar. Comments were made regarding.-

- Noise levels -The listed buildings in the High Street are not sound proofed and noise could potentially affect residents in the High Street, Duke Street, retirement flats. and hotel residents of the Dog and Partridge Noise may be generated from customers outside of the property in the courtyard, pavement, taxis collecting and dropping off customers to the outlet. The alcohol licence allows live music and recorded music. Noise will be generated by customers leaving late at night. No Baseline noise levels have been recorded.
- Noise from the adjoining cellar beneath the neighbouring property was raised as a concern.
- Anti-social behaviour of litter and fighting, which has been associated with other late-night drinking from other outlets such as Tutbury Club.
- Listed buildings are costly to maintain and for neighbours to make soundproofing measures would be restricted and costly to carry out.
- Residents wanted to protect the ambience of the High Street and the listed building preserved to good order and protect the conservation area by restricting use of the High Street from inappropriate business.
- There is little parking provision in the High Street for residents or this business.
- 3 objections were made at the license application
- Residents felt uninformed due to lack of notices and felt under represented due to Cllr Gaskin being the chair of the license committee and not a representative for Tutbury.
- It was felt that there was little consultation time and that the applications were being rushed through. Residents requested that this application is delayed until a new Borough Cllr is elected. Access to the business plan could not be found with the planning application and should be considered at the same time setting out the licensing hours and business plans.
- Residents questioned if there was a demand for another licensed premises with the addition of a Greek Restaurant on Ludgate Street.

- Neighbours felt that this outlet would affect the character of the High Street as it is mainly residential and may affect existing business. Residents felt that this application was not suitable for a conservation area.
- If the license has been granted and the Hourglass only use a limited amount of the permitted licenced hours of opening for their business. If another business took it over, they would be permitted to open their business for the full amount of business hours of opening.

A resident showed support for the outlet and would use it. In her own words, she was not a young person who would be loud and drop litter. She thought that a wide range of age groups would visit the business. It was in a High Street which is the main part of the village for a new business.

A suggestion was made to request the installation of soundproofing and privacy fencing when responding to the Borough Council on this application.

It was also suggested that restrictions could be considered with this application that would mitigate against the Anti-Social behaviour and noise.

09PXM/21. 4.0 TO DISCUSS THE CURRENT PLANNING APPLICATION PERTAINING TO 6A HIGH STREET FOR CHANGE OF USE, AND TO FORMULATE A RESPONSE IF DEEMED NECESSARY

A meeting was called by two councillors in the absence of the clerk on annual leave. The following applications for 6 A High Street, Tutbury, DE13 9LP have been considered by the Parish Council:

A member briefed Cllrs on some of the details from the alcohol licence application regarding the Acoustic night on Tuesdays, closed on a Monday and proposed quiz nights. Not all the licencing hours permitted by the licence will be operable by the business. Music has been permitted inside and outside the venue. A new sign and lighting will be added to the external walls of the building. The upstairs of the property will be used for a residential apartment. Outside changes to the property were minimal.

A member felt that Planning should be passed before the alcohol license was granted and individuals can contact the ombudsman.

P/2021/01017 Listed Building Consent for alterations to include the repainting of woodwork and calls on front elevation, installation of air conditioning unit on north west elevation, formation of ground floor wc, cooling to cellar and illuminated sign to front elevation to facilitate the change of use from Cafe (Class E) to a licensed Gin Bar (Sui Generis) and retention of first floor

Resolution

The majority of members voted to object to the applications and two councillors abstained from the vote.

Comment: OBJECTION

The air condition/chiller unit is not specified. This would have an impact on noise levels depending on the unit purchased. What mitigation would be made for residents with the noise level of this unit?

Fire escapes – The exit points of the rear garden are limited it is not clear that there are adequate fire escapes for 70 people?

There is no commercial kitchen on the plan for the food that is proposed to be served at the outlet.

P/2021/01011 Change of use from Cafe (Class E) to a licensed Gin Bar (Sui Generis), retention of first floor flat and installation of air conditioning unit on north-west elevation

Comment: OBJECTION

An alcohol licence has been applied for and dealt with prior to the planning application being considered by consultees. A business plan is available for the licensing committee but details of the operation of the business have not been made available for this planning application.

The information contained in the business plan has significant relevance for considering this application and it is thought should be part of the application information.

It is believed there will be a pavement licence application which would also have an impact on the change of use applied for in this application ,and would be a significant consideration when commenting on the change of use of this property

The location of this listed building On High Street is within the conservation area. A new use of the property would change the character and ambience of the High Street and could be detrimental to the conservation area.

There is limited parking in the High Street for residents. There is no parking provision made available for the potential of 70 users of the outlet.

There is no designated smoking area marked on the plans.

There is no base line noise impact assessment. Noise will be generated from the operation of this business The business will be operating a licence for live music and recorded music to be played. There is outside space allocated for customers. The cellar runs underneath the adjoining property What mitigation is in place for a listed building with adjoining walls from within the premises and outside?

Further concerns around this application

Tutbury Parish Council would like to request that this planning application is brought before the planning committee and would request representation to speak on this application. However, Tutbury does not currently have a Borough Cllr to represent the residents. Cllr Gaskin has already commented on the Alcohol License due to his position as the chair on that committee. Therefore, is no longer able to represent Tutbury for this application.

Tutbury and Outwoods are currently awaiting an election for a new Borough Cllr and one of the candidates for this is the chair of Tutbury Parish Council so his role in representing the parish council may also be compromised due to purdah.

Residents have raised concern that there were not sufficient notices displayed regarding the Alcohol license and the planning applications. Can this be investigated? The parish

council were not made aware of the licence application. They will also not be informed of the proposed pavement licence.

Other licensed outlets had restricted licencing hours and did serve alcohol until 11pm. No conditions have been applied to the license.

Cllrs were concerned about the small minority responsible for anti-social behaviour from taxis, late night drinkers and litter. They were also concerned on the impact this new business had on other businesses on Tutbury. They felt there should be some mitigation with public space orders implemented to reduce these concerns.

Resolution

It was resolved that the clerk writes to the Borough Council to request if the deadline for this planning matter be postponed until after the Borough Cllr election so that Tutbury has a Borough representative for this matter. Further the Clerk will request it is considered by the planning committee.