

## WINDSOR DEVELOPMENT CONTROL PANEL

21 December 2009

Item: 4

<b>Application No.:</b> 09/02308/RLAX
<b>Location:</b> The Scotch Bar Ltd 1 Goswell Hill Windsor SL4 1RH
<b>Proposal:</b> Continued use of the premises in accordance with planning permission 08/01221 with condition 2 relaxed to allow permanent use of the premises as a nightclub
<b>Applicant:</b> The Scotch Bar Ltd
<b>Agent:</b> Mr John A Andrews
<b>Parish/Ward:</b> Castle Without Ward
<b>If you have a question about this report, please contact:</b> Sarah Ellison on 01628 796070 or at sarah.ellison@rbwm.gov.uk

### 1. SUMMARY

- 1.1 The application seeks planning permission to continue to use the building without complying with Condition 2 of planning permission ref. 08/01221. Condition 2 granted a 'trial-run' temporary permission for the use of the building as a nightclub that expired on the 26<sup>th</sup> November 2009. The 'trial-run' was to enable an assessment to be undertaken of the impact of the nightclub, particularly the hours of opening, on the amenities of local residents. The current application seeks planning permission for the permanent use of the premises as a nightclub.
- 1.2 No complaints have been received from local residents about the nightclub in the year since the temporary permission was granted. The Environmental Protection Officer and the Thames Valley Police Crime Prevention Officer raise no objection to the application. In view of this, and subject to conditions including a restriction on the hours of opening and the continued operation of the taxi marshalling scheme, it is recommended that permission be granted.

**It is recommended the Panel grants planning permission with the conditions listed in Section 10 of this report.**

### 2. REASON FOR PANEL DETERMINATION

- The temporary planning permission on a 'trial-run' basis was originally given by Panel and it is considered that under these circumstances the Panel ought to determine the current application for a permanent planning permission.

### 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The Scotch Bar lies in the Conservation Area in one of the arches underneath the Windsor and Eton Central railway station that is now redeveloped to include a shopping centre with bars, restaurants and tourist attractions. The railway arches extend between Goswell Hill on the south and the service road known as Bridgewater Way on the north side. Both are narrow, single track roads and both slope down from the east to the west. Both are cul-de-sacs for vehicles, although Goswell Hill has footpath connections at its upper end to Peascod Street and to the Windsor Royal Station shopping centre. At its lower end Goswell Hill descends into and connects with the service area beneath the King Edward Court shopping centre which spans Goswell Hill at this point. Beyond the service area Goswell Hill continues in the open, pedestrianised, until it reaches Goswell Road. Most of the railway arches in Goswell Hill on either side of the service yard are now used for bars and restaurants, although there are some other businesses as well. From the service undercroft of King Edward Court, about two-thirds of the way along Goswell Hill, one railway arch, (itself also known as Bridgewater Way), connects Goswell Hill to Bridgewater Way. At its western end Bridgewater Way opens up into a yard, used for parking, with access onto Bridgewater Terrace and to Goswell Road. The residential properties that are considered to be affected are in Bridgewater Terrace which runs parallel to the railway viaduct.

#### 4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

99/77726	Change of use from storage to A3 use as restaurant with dance floor	Approved on the 17 <sup>th</sup> March 1999 with a condition (Condition 3) restricting the opening hours to midnight on Sundays to Thursdays, and 1am the following mornings on Fridays and Saturdays
00/79057/R LAX	Consent to relax Condition 3 of permission 99/77726 to allow opening hours to be extended to 4am seven days a week	Refused on the 12 <sup>th</sup> April 2000 on the grounds that the relaxation would be detrimental to residential amenity
00/79599	Installation of shop front to property	Approved 23 <sup>rd</sup> October 2000
06/02055	Change of Use of premises from restaurant with dance floor to nightclub and variation of Condition 3 (opening hours) of permission 99/77726 to allow opening from 11.00 am - 03.00 am Monday to Thursday, 11.00 am - 04.00 am Friday and Saturday and 11.00 am to Sunday	Refused on the 10 <sup>th</sup> November 2006 and the appeal dismissed on the 13 <sup>th</sup> September 2007 due to the impact of the proposal from noise on the living conditions of nearby residents in Bridgewater Terrace
08/01221	Change of Use of premises from restaurant with dance floor to nightclub with opening hours from 11.00am to 01.00 am Mondays to Thursdays; 11.00 am - 02.30 am Fridays and Saturdays; 11.00 am - 01.00 am Sundays and the day before a Bank Holiday to 02.00 on the following morning; 11.00am Christmas Eve to 02.00 on Christmas Day morning; 11.00 New Years Eve to 02.00 on New Years Day morning; 11.00 on the day before Good Friday to 02.00 on Good Friday morning.	Granted on the 4 <sup>th</sup> December 2008 with a condition (Condition 2) limiting the use of the premises as a nightclub until 26 <sup>th</sup> November 2009 to enable a trial run to assess the impact of the development upon the amenities of local residents.

4.1 The planning permission ref. 08/01221 as well as being a temporary permission also limits the hours that customers can be served, and requires a taxi marshalling scheme to be operational. If the taxi marshalling service is not operational then the hours that customers can be served is reduced.

4.2 Condition 1 states:

“The premises shall not be open for the serving of customers outside of the following hours:-

11.00 - 23.00 Sunday - Thursday;  
11.00 Friday to 02.00 on the following Saturday morning;  
11.00 Saturday to 02.00 the following Sunday morning;  
11.00 the day before a Bank Holiday to 02.00 the following morning;  
11.00 Christmas Eve to 02.00 the following morning;  
11.00 New Years Eve to 02.00 the following morning;  
11.00 the day before Good Friday to 02.00 on Good Friday morning.

In each case customers shall be permitted to remain on the premises for up to 30 minutes after these times.

Reason: In the interests of the amenities of nearby neighbours. Relevant Policies - Local Plan NAP3 Structure Plan DP5.”

Condition 3 states:

“If the marshalling scheme (which is the subject of planning permission ref. 08/02186) ceases to operate then the opening hours referred to in Condition 1 above shall be reduced to the effect that the premises shall not be open for the serving of customers outside of the following hours on Fridays and Saturdays:-

11.00 Friday to 01.00 the following Saturday morning; and  
11.00 Saturday to 01.00 the following Sunday morning.

In each case customers shall be permitted to remain on the premises for up to 30 minutes after these times.

Reason: In the interests of the amenities of nearby residents. Relevant Policies - Local Plan DG1, NAP3.”

## 5 MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 The main strategic planning considerations applying to the site and the associated policies are:

	Within settlement area	Noise Pollution
Local Plan	DG1 ✓	NAP3 ✓

## 6. EXPLANATION OF RECOMMENDATION

6.1 The key issue for consideration is:

i the impact on the living conditions of the occupiers of the nearby residential properties.

### **The impact on the living conditions of the occupiers of nearby residential properties.**

6.2 Planning permission ref. 08/01221 limited the use of the premises as a night club to a temporary one year permission, along with conditions controlling the hours and linking the permission to a taxi marshalling scheme. The purpose of the temporary permission was to assess the impact that the use as a nightclub had on the living conditions of nearby residents.

6.3 The site has been running as a nightclub for a year and the Councils' Environmental Protection Officer has advised that no objections have been received from local residents about the site for the last year. It appears that since the taxi marshalling scheme has been operational no complaints have been received. The Thames Valley Police Crime Prevention Design Officer has also raised no objection to the application.

6.4 In view of the absence of complaints or objections it is considered appropriate to grant the permanent use of the premises as a nightclub and with the same conditions relating to the hours that customers can be served and the operation of the taxi marshalling scheme.

## 7. CONSULTATIONS CARRIED OUT

### **Comments from interested parties**

59 occupiers were notified directly of the application.

29 letters were received supporting the application, summarised as:

Comment	Where in the report this is considered
1. It is a safe and fun place [8]	Noted
2. Staff and owners and friendly and good management [16]	Noted
3. A great place with no trouble [4]	Noted
4. Excellent example to the community [1]	Noted
5. Keep later opening hours [4]	Noted

#### Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Environmental Protection Officer	No objection	Paragraph 6.3
Thames Valley Police Crime Prevention Adviser	No objection as long as there is no change to their hours and Conditions 1 and 3 of planning permission ref. 08/01221 will still apply	Paragraph 6.3
Highway Officer	No objection	Noted

#### 8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan

#### 9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

1 The premises shall not be open for the serving of customers outside of the following hours:-11.00 - 23.00 Sunday - Thursday;11.00 Friday to 02.00 on the following Saturday morning;11.00 Saturday to 02.00 the following Sunday morning;11.00 the day before a Bank Holiday to 02.00 the following morning;11.00 Christmas Eve to 02.00 the following morning;11.00 New Years Eve to 02.00 the following morning;11.00 the day before Good Friday to 02.00 on Good Friday morning. In each case customers shall be permitted to remain on the premises for up to 30 minutes after these times.

Reason: In the interests of the amenities of nearby residents. Relevant Policies - Local Plan NAP3.

2 If the marshalling scheme (which is the subject of planning permission ref. 08/02186) ceases to operate then the opening hours referred to in Condition 1 above shall be reduced to the effect that the premises shall not be open for the serving of customers outside of the following hours on Fridays and Saturdays:-11.00 Friday to 01.00 the following Saturday morning; and11.00 Saturday to 01.00 the following Sunday morning. In each case customers shall be permitted to remain on the premises for up to 30 minutes after these times.

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4 Reason: In the interests of the amenities of nearby residents. Relevant Policies - Local Plan NAP3.