

TOWN AND COUNTY PLANNING ACT 1990

PRE-APPLICATION ENQUIRY RESPONSE

<b>Applicant:</b>	Mrs C Thorne - Licensing Case Officer	<b>Application No:</b>	ENQ/0492/2022
<b>Address:</b>		<b>Application Type:</b>	Pre Application Enquiry
<b>Agent:</b>	Mrs C Thorne - Licensing Case Officer	<b>Date of Registration:</b>	1 July 2022
<b>Address:</b>		<b>Date of Decision:</b>	14 July 2022
<b>Proposal:</b>	Grant of a premises licence		
<b>Location:</b>	The Mad Hatters Plant Based Bistro 8-10 Queens Walk Bear Street Barnstaple Devon EX32 7DA		

Thank you for your enquiry which was received on the 1 July 2022. I understand the applicant operates a small takeaway/eat-in bistro serving sandwiches and salads etc with a hot food offering from a former shop and also has the neighbouring shop for which a premises licence is sought to operate a bar selling alcohol and some food.

The proposed alcohol sales will be from 11.00 to 21.30hrs Tuesdays to Thursdays and 11.00 to 22.00hrs Fridays and Saturdays and 12.00 to 16.00hrs on Sundays

I also note in the supporting text that the applicant is providing recorded music and an "open mic" night each month with live music.

The bistro has both inside and outside seating and is situated with flats above.

The main concern with regard to this application is the impact of the noise from the bistro and bar particularly as recorded and live music will be played. Neighbouring flats are situated above the premises and the noise impact may be significant. Whilst the opening times are restricted the potential for noise disturbance from the premises will extend until after 22.00hrs during the weekends and could lead to public nuisance.

The use of the ground floor areas of Queens Walk falls within Class E – Commercial, Business and Service, namely shops and services. This is the case for units 8 and 10 and no formal change of use from Class E has been approved. Use class E does not include shops that include the sale of hot food, wine bars and drinking establishments which have

a Sui generis use and such a change from Class E to include a wine bar offering requires formal planning consent and the noise nuisance would be a concern.

**Mrs B. Coles**  
**Case Officer**

## **License Sub-Committee Report – Planning**

**Mad Hatter Plant Based Bistro and Lounge Bar, 8 and 10 Queens Walk, Bear Street, Barnstaple,**

**EX32 7DA**

**24 August 2022**

The application for an Alcohol License for the above premises give cause for concern from the Planning perspective. The use of the ground floor premises at Queens Walk is for shops which operate within normal shop trading hours.

The license application seeks to extend the opening hours and provide alcohol to customers who attend the existing Bistro and proposed Bar.

Situated directly above Queens Walk are 12 flats which are accessed via Queens Walk. It is the opinion of Planning that the use of the site for such an activity could give rise to noise and nuisance to the occupiers above.

Whilst I understand that a similar business operated from the site previously this was without planning approval.

Devon and Cornwall Constabulary's Alcohol Licensing Officer has raised no concern regarding the proposal however this is based upon no police logs being created in relation to the former business which operated from 8 Queens Walk. The lack of any formal police logs does not however, suggest that noise and public nuisance will not occur which will impact upon the residents above.

Whilst I acknowledge that the applicant has removed the "open mic" sessions for the application and reduced the opening hours this will go some way to addressing concerns however, the operation of an evening venue selling alcohol situated directly below a number of residential dwellings is not considered acceptable.

The operation of the business will be subject however, to a formal planning application being received and which will need to satisfy the concerns of Environmental Health in order to achieve officer support.



Queens Walk From Bear Street

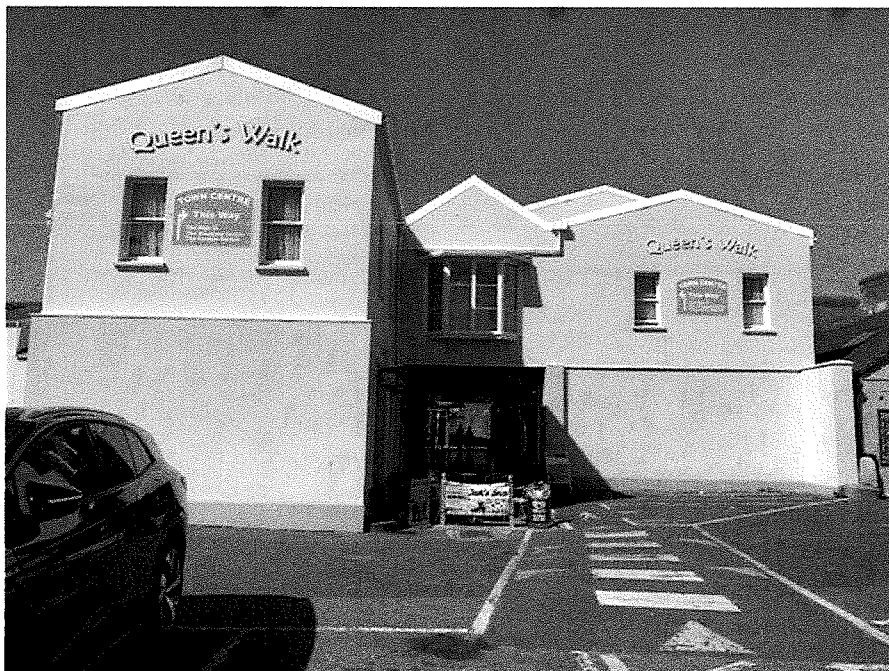


Queens Walk showing entrance to flats





Unit 8 Queens Walk



Queens Walk viewed from Queen Street Car-Park