

**Application Number** 07/2023/00172/FUL

**Address** 14B Liverpool Road  
Penwortham  
Preston  
Lancashire  
PR1 0AD

**Applicant** No. 1 Fairham Gin

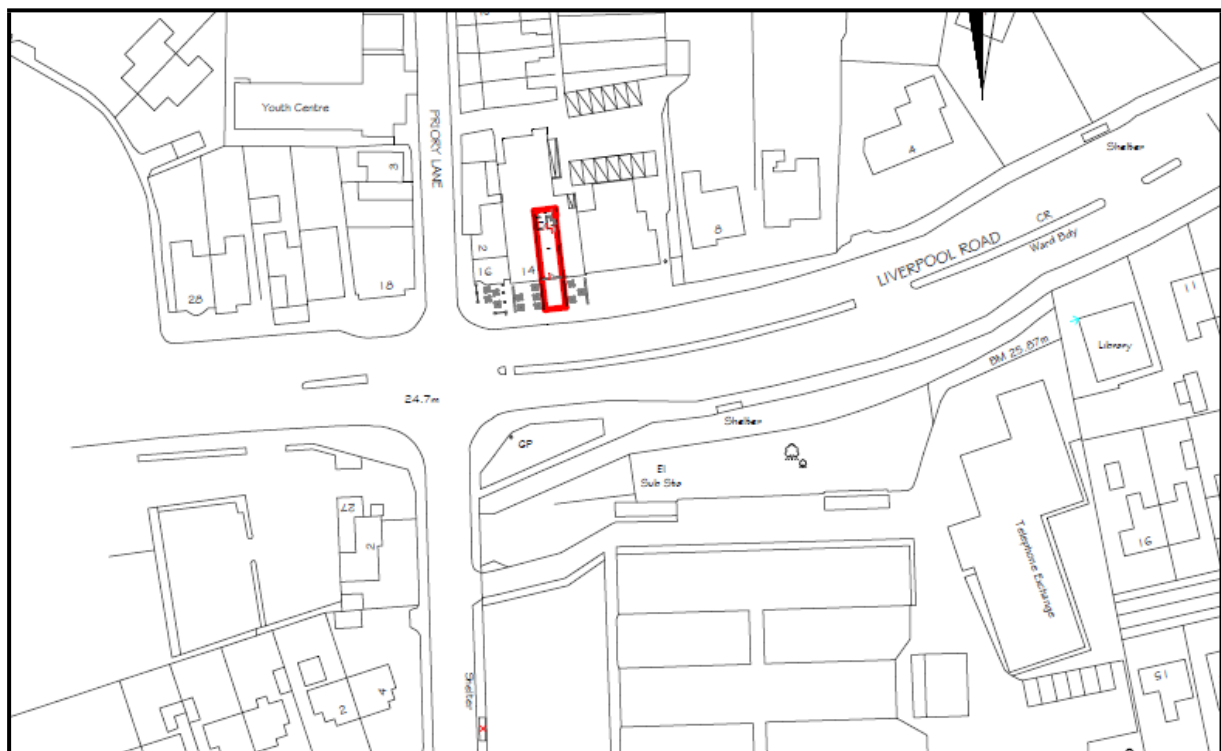
**Agent** Mr Neil Anyon  
29 Ridge Way  
Penwortham  
Preston  
PR1 9XW

**Development** Change of Use from Retail (Class E) to a drinking establishment (Sui Generis)

**Officer Recommendation** **Approval with Conditions**

Date application valid 27.02.2023  
Target Determination Date 24.04.2023  
Extension of Time

### Location Plan



## 1. Report Summary

1.1 The application proposes a change of use of an existing retail unit to a drinking establishment. The unit is within the Penwortham District Centre where planning policy E4 seeks to protect the vitality and viability of the area. On the basis that the proposal brings a vacant unit back into use, it is considered to meet the aims of Policy E4.

1.2 At first floor there are residential apartments and Environmental Health have requested a number of conditions to help protect the residential amenity of the occupants.

1.3 No objections have been received and the application is recommended for approval subject to the imposition of conditions.

## **2. Site and Surrounding Area**

2.1 The application relates to the centre unit, one of 3 units formed from the former Booths supermarket premises which was refurbished and sub-divided to form a restaurant and 2 retail premises. One of the retail premises has since had a change of use approval and now operates as a drinking establishment.

2.2 The property is close to the crossroads junction of Liverpool Road, Priory Lane and Cop Lane, which is an Air Quality Management Area. The area is predominantly commercial in nature and is within the Penwortham District Centre.

2.3 Residential apartments are above some of the commercial premises with further residential properties located to the north on Priory Lane. Opposite is the Tesco supermarket. Diagonally opposite is the locally listed Water Tower, a residential property with the Grade II listed Fleece Inn to its west. Both these properties are within the Penwortham Conservation Area.

## **3. Planning History**

07/2018/8006/FUL Conversion to form 3 units. Change of use from A1 (retail) to A3 (restaurant) for 1 unit and 2 units to remain A1 (retail). New shop front, windows, doors and cladding. Approved

## **4. Proposal**

4.1 The application proposes a change of use from retail (Class E) to a drinking establishment (Sui Generis). No external works are proposed to the unit although an external seating area will be formed on the forecourt to the front.

## **5. Summary of Publicity**

5.1 Neighbouring properties were notified and a site notice posted with 30 letters of representation being received, in support of the application.

## **6. Summary of Consultations**

6.1 **Environmental Health** comment that there is residential accommodation adjacent to the application site. It is therefore important to ensure the proposed use does not have deleterious impacts, especially in terms of noise and artificial light. As such, conditions are requested in respect of restrictions on or recorded entertainment or music played at the premises; that no external flood lighting is installed; that waste, including empty bottles, shall not be removed from the premises between the hours of 20:00 - 08:00 on any day; that waste collections shall not take place outside the hours of 19:00 to 08:00 Monday to Friday and 19:00- 10:00 Saturdays; that no deliveries shall be received by the site between the hours of 19:00 and 0800 Monday to Sunday; that all doors and windows to the property shall always remain closed, except for access and egress; that the outside area/beer garden shall not be used between 20:00 and 10:00 hours on any day so not to cause a nuisance to nearby residential properties; that prior to the installation of any extraction/ventilation systems, full details of the noise levels to be experienced at the nearest properties and the fixings to be used be submitted and that the extraction/ventilation system shall be designed to ensure the rating levels for cumulative noise from all noise sources shall not exceed, 10 dB(A) below the

existing LA90, and that there shall be no external storage within the confines of the application site.

## **7. Policy Background**

7.1 **Policy E4: District Centres** seeks to protect and enhance the district centres to maintain their vitality and viability. Planning permission will be granted for new buildings, redevelopment of existing sites, extensions to, or change of use of existing buildings for A1 Retail Use, which will be encouraged to achieve a minimum of 60% of the overall units and A3 Cafe and Restaurant uses. Applications for other district centre uses including A2 Financial and Professional Services, A4 Drinking Establishments and B1 Offices will be permitted where this would not harm the sustainability of the shopping area.

7.2 **Policy G17: Design Criteria for New Development** permits new development, including extensions and free standing structures, provided that, the proposal does not have a detrimental impact on the existing building, neighbouring buildings or on the street scene by virtue of its design, height, scale, orientation, plot density, massing, proximity, use of materials. Furthermore, the development should not cause harm to neighbouring property by leading to undue overlooking, overshadowing or have an overbearing effect; the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and will provide an interesting visual environment which respects the character of the site and local area; the development would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Policy F1, unless there are other material considerations which justify the reduction such as proximity to a public car park.

7.3 **Central Lancashire Core Strategy Policy 17**, among other things, seeks to ensure that new development is (c) sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the amenities of the local area and (d) that the amenities of occupiers of the new development will not be adversely affected by neighbouring uses and vice versa.

7.4 **Penwortham Town Plan** advises that "*The Central Lancashire Core Strategy designates in Policy 11 District Centres and the South Ribble Local Plan identifies Liverpool Road, Penwortham, as a District Centre (Policy E4), and sets out its boundary in Appendix 7 of the NDP. The purpose of these policies to prevent an over proliferation of non-retail uses at the expense of retail provision within the centre is supported. It recognises that it is important to the vitality and viability of the District Centre that the retail strength and appearance of these frontages is retained.*

*It is acknowledged that there will be both considerable change but also opportunities, when the Penwortham By-pass is completed. This will reduce through traffic and allow for improvement to the retail environment. In addition, the former Government Offices site on Cop Lane provides, through the extant planning permission, a potential new retail store with additional parking to serve the centre. It is also recognised that the Borough Council has committed to carrying out initial improvements in the centre.*

*The need for an overall improvement plan for the centre is recognised and the Town Council will work with both the Borough and County Councils to prepare and implement such an Improvement Plan."*

## **8. Material Considerations**

### **8.1 Principle of Development**

8.1.1 The application property is part of the former Booths supermarket which was refurbished and sub-divided to form a restaurant, now operating as the 1260 Craft and Crust and two retail premises. One of these has since had a change of use to a drinking

establishment and operates as the Gin Jar Ale. It is also noted that the application premises recently operated as an office for a construction firm.

8.1.2 The premises are within the Penwortham District Centre where Policy E4 seeks to protect and enhance them to maintain their vitality and viability. It allows for planning permission to be granted for a change of use of existing buildings for A1 Retail Use, which will be encouraged to achieve a minimum of 60% of the overall units and A3 Cafe and Restaurant uses.

8.1.3 Policy E4 also advises that applications for other district centre uses, including Drinking Establishments will be permitted where this would not harm the sustainability of the shopping area.

8.1.4 Additionally, the Penwortham Town Plan seeks to prevent an over proliferation of non-retail uses at the expense of retail provision within the centre and recognises that it is important to the vitality and viability of the District Centre that the retail strength and appearance of these frontages is retained.

8.1.5 It must be recognised that Policy E4 and the Town Plan were written prior to the increase in on-line shopping and the downturn in high street retail shopping and therefore the 60% target set out in the policy is considered unrealistic in today's climate. It is considered that the occupation of units in the district centre is a more important factor to help maintain the vitality and viability of the centre. As such, it is considered that the change of use from retail to a drinking establishment will not harm the sustainability of the shopping area as it brings a vacant unit back into use.

## 8.2 Residential Amenity

8.2.1 At first floor there are residential apartments. Directly above the application property is part of an apartment and an external amenity area. The majority of the apartment is above the adjacent Craft and Crust premises with the application unit being mainly below the amenity area.

8.2.2 Environmental Health have advised that it is important to ensure the proposed use does not have deleterious impacts, especially in terms of noise and artificial light. As such, conditions are requested in respect of restrictions on or recorded entertainment or music played at the premises; that no external flood lighting is installed; that waste, including empty bottles, shall not be removed from the premises between the hours of 20:00 to 08:00 on any day; that waste collections shall not take place outside the hours of 19:00 to 08:00 Monday to Friday and 19:00 to 10:00 Saturdays; that no deliveries shall be received by the site between the hours of 19:00 and 0800 Monday to Sunday; that all doors and windows to the property shall always remain closed, except for access and egress; that the outside area/beer garden shall not be used between 20:00 and 10:00 hours on any day so not to cause a nuisance to nearby residential properties; that prior to the installation of any extraction/ventilation systems, full details of the noise levels to be experienced at the nearest properties and the fixings to be used be submitted and that the extraction/ventilation system shall be designed to ensure the rating levels for cumulative noise from all noise sources shall not exceed, 10 dB(A) below the existing LA90, and that there shall be no external storage within the confines of the application site.

8.2.3 It is considered that, with these conditions imposed, there should be no undue impact on the residential amenity of the neighbouring occupants over and above that which is created by the existing restaurant and drinking establishment and in view of the area in which the application properties is set. It must be recognised that it is within the district centre, close to a busy controlled junction and opposite the Tesco supermarket

## 9. Conclusion

9.1 It is considered that the proposed change of use of this unit from retail to a sui generis Drinking Establishment will not unduly impact on the residential amenity of neighbouring residents to the extent as to warrant a refusal of planning permission. It is within the existing District Centre of Penwortham, close to a busy crossroads junction and between a restaurant and a drinking establishment. Given its location and the existing neighbouring uses, the proposal is considered acceptable and the application is recommended for approval subject to the imposition of conditions.

## **10. RECOMMENDATION:**

10.1 Approval with Conditions.

## **11. RECOMMENDED CONDITIONS:**

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.  
REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. The development, hereby permitted, shall be carried out in accordance with the submitted approved plans Dwg PE35/23 Rev A Proposed Elevations, Layout and Signage; GF36/23 Existing and Proposed Floor Layouts.  
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development
3. There shall be no live or recorded entertainment or music played at the premises, either internally or externally, unless agreed in writing at least 10 working days prior to the event. Low level amplified background music is only permitted internally. Any amplified background music shall be routed and controlled through a sound limiter which shall be set by the Council's Environmental Health Department  
REASON: In the interests of the amenity of nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan.
4. There shall be no external flood lighting installed without prior consent from the Local Planning Authority.  
REASON: In the interests of the amenity of nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan.
5. Waste, including empty bottles, shall not be removed from the premises (taken outside the building) between the hours of 20:00 and 08:00 on any day.  
REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy
6. Waste collections shall not occur between the hours of 19:00 and 08:00 Monday to Friday and 19:00 and 10:00 Saturdays. There shall be no collections on Sundays and nationally recognised Bank Holidays.  
REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy.
7. No deliveries shall be received at the premises between the hours of 19:00 and 0800 Monday to Sunday. No deliveries shall be received on nationally recognised Bank Holidays.  
REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy.

8. All doors and windows to the property shall always remain closed, except for access and egress, so as not to cause a noise nuisance to nearby properties and residents.  
REASON: In the interests of the amenity of the nearby residents and businesses in accordance with Policy 17 of the Central Lancashire Core Strategy.
9. The external seating area shall not be used between the hours of 20:00 and 10:00 on any day so not to cause a nuisance to nearby residential properties.  
REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy
10. Prior to the installation of any extraction/ventilation systems, full details of the noise levels to be experienced at the nearest properties and the fixings to be used shall be provided to the local planning authority for written approval. The approved system shall then be installed as agreed and thereafter maintained as approved. Any changes to the system shall first be agreed with the local planning authority in writing. The extraction/ventilation system shall be so designed to ensure the following standards are achieved: The proposed development shall be designed so the rating levels for cumulative noise from all noise sources shall not exceed, 10 dB(A) below the existing LA90, at the nearest noise-sensitive premises to the proposed development as assessed in accordance with British Standard 4142 (2014).  
REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy
11. There shall be no external storage within the confines of the site.  
REASON: To safeguard the visual appearance and character of the area in accordance with Policy G17 in the South Ribble Local Plan

#### **RELEVANT POLICY**

##### **South Ribble Local Plan**

Policy E4: District Centres

Policy G17: Design Criteria for New Development

##### **Central Lancashire Core Strategy**

Policy 17

##### **Penwortham Town Plan**