

Application Number07/2017/0411/FUL

Address44 Liverpool Road
Penwortham
Lancashire
PR1 0DQ

ApplicantMr Paul Richmond

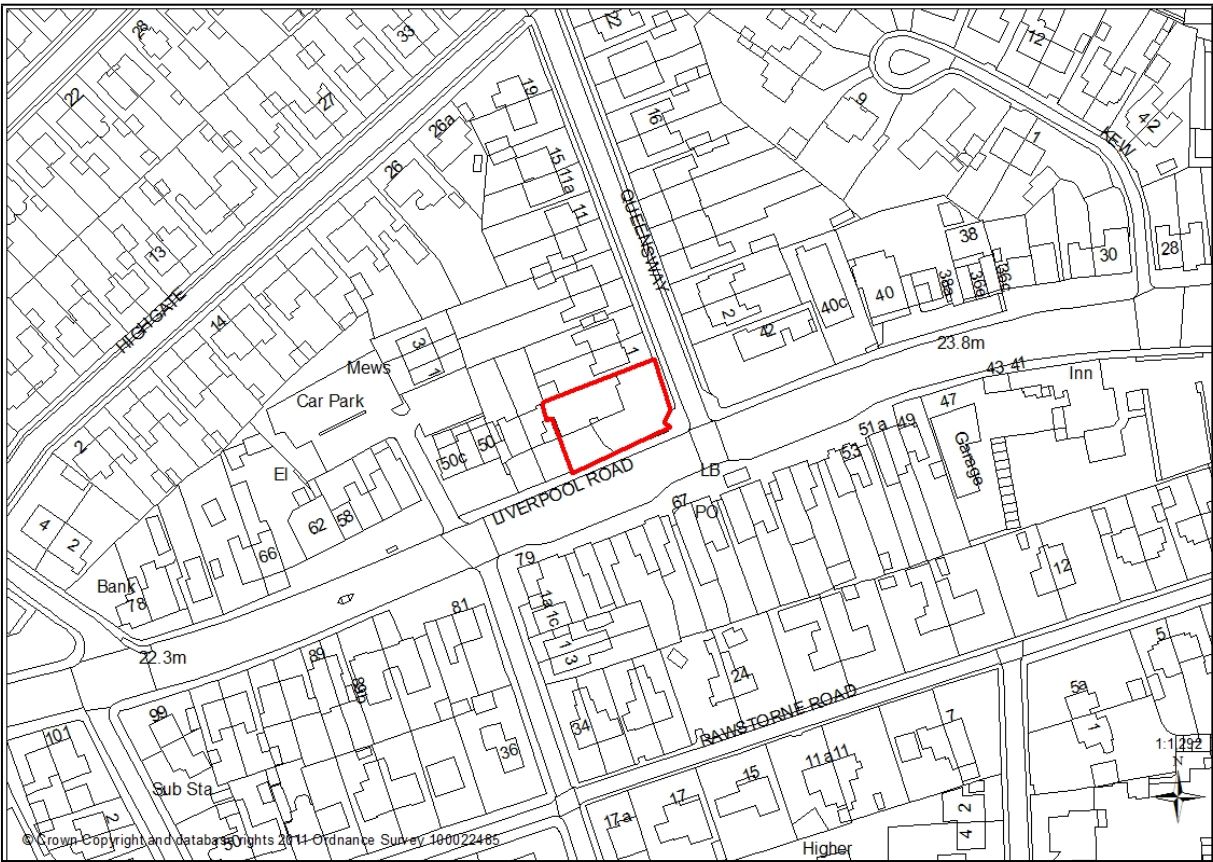
AgentMr Neil Anyon
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DevelopmentChange of Use from Dwelling (Use Class C3) to
Cafe (Use Class A3) together with the formation
of a ramped access

Officer RecommendationApproval with Conditions

Officer NameMr Chris Sowerby

Date application valid07.03.2017
Target Determination Date02.05.2017
Extension of TimeN/A



1. INTRODUCTION

1.1 A Ward Councillor has requested that the application be determined by the Planning Committee, taking into consideration the nature of the proposal the Director of Development, Enterprise and Communities has agreed to this request.

2. REPORT SUMMARY

2.1 The application relates to a vacant residential property situated on a corner plot at the junction between Liverpool Road and Queensway in Penwortham. The site is within Penwortham District Centre, covered by Policy E4 in the South Ribble Local Plan.

2.2 The proposal is for the change of use of the property from a residential dwelling (Use Class C3) to a café/tearoom (Use Class A3) together with the formation of a ramped access to the front. The applicant has confirmed that the café/tearoom would sell homemade cakes, sandwiches, light lunches and specialist teas and coffees. Whilst the sale of alcohol is also proposed, which would be subject to a separate licensing application, the application has stated that it is not their intention to become a drinking establishment (for which a change of use would be required to the A4 Use Class).

2.3 The proposed change of use to a café/tearoom within the A3 Use Class accords with the requirements of Policy E4: District Centres in the South Ribble Local Plan.

2.4 No external alterations are proposed on the elevation facing Queensway with the only alterations to the elevation facing Liverpool Road being the replacement of a window opening with French doors and addition of a ramped access. The existing garden patio area to be re-laid to allow for outdoor seating with the remainder of the garden and landscaping to be retained/maintained. The proposed development will not have detrimental impact on the character and appearance of the area with the inter-relationships with neighbouring residential properties being acceptable.

2.5 County Highways have fully assessed the proposal and have raised no objections to the proposed development. The site is in a highly sustainable location within Penwortham District Centre and is close to bus connections and the District Centre car park. County Highways have confirmed that the existing waiting restrictions along Liverpool Road and Queensway are sufficient to control on road parking.

2.6 Environmental Health have raised no objections to the proposal subject to the imposition of condition relating to hours of construction, the hours of opening being restricted to that applied for, waste storage details, details of fixed plant and air conditioning units, restrictions on live and recorded music, the provision of acoustic fencing, restricting external use by patrons to the area of the garden/patio facing Liverpool Road and restrictions on external lighting in order to safeguard neighbour amenity.

2.7 The proposal accords with Policies 1, 9 and 22 of the Core Strategy and Policies B1, E4, G13, G16 and G17 of the South Ribble Local Plan. The application is therefore recommended for approval subject to the imposition of conditions.

3. APPLICATION SITE AND SURROUNDING AREA

3.1 The application relates to a vacant residential property situated on a corner plot at the junction between Liverpool Road and Queensway in Penwortham. A patio area and garden are present along the Liverpool Road and Queensway frontage with a detached garden present to the rear.

3.2 The adjoining unit which fronts Liverpool Road is currently used as a yoga studio with semi-detached residential properties to the north on Queensway. On the opposite side of Queensway is a property (42 Liverpool Road) which is currently being converted and extended to form a wine bar (Use Class A4) and a commercial unit (Use Class A1/A2) with various other commercial and office uses present along Liverpool Road.

3.3 The site is within Penwortham District Centre, covered by Policy E4 in the South Ribble Local Plan.

4. SITE HISTORY

4.1 None relevant.

5. PROPOSAL

5.1 The proposal is for the change of use of the property from a residential dwelling (Use Class C3) to a café/tearoom (Use Class A3) together with the formation of a ramped access to the front. The applicant has confirmed that the proposed hours detailed on the application form are incorrect with the actual hours of opening applied for being 8.00am to 10.30pm Monday to Saturdays and 11.00 to 8.00pm on Sundays.

5.2 The applicant has confirmed that the café/tearoom would sell homemade cakes, sandwiches, light lunches and specialist teas and coffees. Whilst the sale of alcohol is also proposed, which would be subject to a separate licensing application, the application has stated that it is not their intention to become a drinking establishment (for which a change of use would be required to the A4 Use Class).

5.3 Internally, an informal seating area ('The Lounge') is proposed fronting Liverpool Road with the dual-aspect room ('The Garden Room') providing formal seating for 22-32 covers. The existing garage and driveway are proposed to be retained to the rear with the existing garden patio area to be re-laid to allow for outdoor seating with the remainder of the garden and landscaping to be retained/maintained.

5.4 It is also the intention of the applicant to work in partnership with Cardinal Newman College to offer work experience and employment opportunities to mentally challenged young people.

5.5 The plans have been amended in response to comments made County Highways and the Local Ward Councillor relating to suitable vehicular access and retention of a residential appearance on the aspect facing Queensway.

6. REPRESENTATIONS

6.1 As of the 4th April four letters of objection have been received in relation to the proposal. A summary of the points raised follows:

Character / Appearance

- ☐ Outdoor seating fronting Queensway would not be in character with the area
- ☐ Potential loss of garden area – ***The applicant has provided an additional statement which confirms the existing gardens are to be retained***

Highway Issues

- ☐ Limited on-street car parking along Queensway
- ☐ Traffic generation and congestion

Noise / Disturbance

- ☐ Noise and disturbance, including odours from smoking, resulting from outdoor seating/usage
- ☐ Potential odours from cooking
- ☐ The impact a concentration of dining/drinking outlets would have in terms of noise and potential disorder
- ☐ New French doors on Queensway elevation would increase noise disturbance to neighbouring residential properties – ***Amended plans have since been submitted showing the Queensway elevation to remain unchanged***

Other Issues

- ☐ Further applications should not be allowed until impacts of the wine bar under construction at 42 Liverpool Road are known

6.2 Four letters of support have also been received. A summary of the points raised follows:

Character / Appearance

- ☐ The proposed development would improve the appearance of the property

Other Issues

- ☐ Generation of employment opportunities
- ☐ Sustainable location
- ☐ Improves choice within Penwortham town centre

6.3 **Penwortham Town Council** have raised no objections to the proposal subject to the imposition of conditions relating to restricting external use by patrons to the area of the garden/patio facing Liverpool Road and restricting the hours of opening (to 8.30am to 6.30pm Monday to Saturday and 10.00am to 5.00pm on Sundays and Bank Holidays).

7. CONSULTATION REPLIES

County Highways have raised no objections to the proposal confirming that the proposal should have a *“negligible impact on highway safety and highway capacity in the immediate vicinity of the site”*. Comments have also been made as to the site being in an accessible location and sufficient waiting restrictions been within the vicinity of the site to control on road parking.

Environmental Health have raised no objections to the proposal subject to the imposition of conditions relating to hours of construction, the hours of opening being restricted to that applied for, waste storage details, details of fixed plant and air conditioning units, restrictions on live and recorded music, the provision of acoustic fencing, restricting external use by patrons to the area of the garden/patio facing Liverpool Road and restrictions on external lighting. A requested condition restricting the hours during which deliveries and waste collection can take place does not meet the test for conditions as the applicant may not have any direct control over this.

8. MATERIAL CONSIDERATIONS

8.1 Policy Considerations

8.1.1 i) NPPF

The NPPF promotes a presumption in favour of sustainable development and supports sustainable economic development, stating *“Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.”*

8.1.2 ii) Core Strategy Policy Considerations

Policy 1 of the Core Strategy is entitled ‘Locating Growth’ and encourages the focussing of growth and investment in the Key Service Centres of Chorley and Leyland and the other main urban areas in South Ribble.

Policy 9 of the Core Strategy is entitled ‘Economic Growth and Employment’ and encourages the focussing of economic growth in existing main urban areas.

8.1.3 iii) South Ribble Local Plan 2012-2026

The site is within Penwortham District Centre and therefore is subject to the requirements of Policy E4: District Centres in the South Ribble Local Plan. Policy E4 states:

“The District Centres will be protected and enhanced 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 the following uses:

- (a) A1 (Retail Uses) – which will be encouraged to achieve a minimum of 60% of the overall units;*

(b) A3 (Cafes and Restaurants) uses.”

As the application is for the change of use of an existing building to an A3 use, the proposal complies with the requirements of Policy E4.

8.2 Character / Appearance

8.2.1 No external alterations are proposed on the elevation facing Queensway with the only alterations to the elevation facing Liverpool Road being the replacement of a window opening with French doors and addition of a ramped access. The proposed alterations would not materially alter the appearance of the property. The landscaping around the site boundary is proposed to be retained and maintained which largely screen the garden and patio area.

8.2.2 For the above reasons the proposed development is not considered to have a detrimental impact on the character and appearance of the area.

8.3 Relationship To Neighbours

8.3.1 Properties on Liverpool Road adjacent and opposite the site are wholly in commercial and office uses.

8.3.2 Properties north of the site, along both sides of Queensway, are wholly residential. The adjacent property at 1 Queensway shares a party boundary with the application side. On the southern side elevation of 1 Queensway are ground and first floor habitable room windows which face the application site. As no alterations are proposed on the external elevation facing Queensway the existing relationships with neighbouring residential properties would remain unchanged.

8.3.3 The potential impact from the use of external areas will be assessed later in this report.

8.4 Highway Issues

8.4.1 The site is in a highly sustainable location within Penwortham District Centre and is close to bus connections and the District Centre car park. County Highways have confirmed that the existing waiting restrictions along Liverpool Road and Queensway are sufficient to control on road parking. No objections to the proposal have been raised by County Highways having considered the highway and pedestrian safety implications associated with the proposed development.

8.5 Tree Issues / Wildlife

8.5.1 The existing trees, garden and boundary landscaping are proposed to be retained with the laying of a new patio limited to the area of the existing garden patio outside the bay window on the side of the property facing Queensway.

8.6 Noise / Disturbance

8.6.1 Neighbours have raised concerns relating to noise, disturbance and odours however these concerns can be satisfactorily dealt with through condition recommended by Environmental Health relating to details of fixed plant and air conditioning units, restrictions on live and recorded music, the provision of acoustic fencing, restricting external use by patrons to the area of the garden/patio facing Liverpool Road and restrictions on external lighting.

8.7 Other Issues

8.7.1 A neighbour has stated that further application should not be allowed until impacts of the wine bar under construction at 42 Liverpool Road are known however the Planning system does not allow for this as each application has to be judged on its own merits.

9. CONCLUSION

9.1 The proposed change of use of the existing vacant residential dwelling (Use Class C3) to a café/tearoom (Use Class A3), together with the formation of a ramped access to the front, within Penwortham District Centre complies with the requirements of Policy E4 and is acceptable. The proposed development would be in character of the local area and will not impact on the amenities of neighbouring properties. There are no highway safety

implications resulting from the proposal. The proposal accords with Policies 1, 9, 22 and 28 of the Core Strategy and Policies E4, G13, G16 and G17 of the South Ribble Local Plan. The application is therefore recommended for approval subject to the imposition of conditions.

RECOMMENDATION:

Approval with Conditions.

RECOMMENDED CONDITIONS:

1. That the development 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 approved plans Dwg P46/7 Rev A (Proposed Plan View) and E46/17 (Elevations); or any subsequent amendments to those plans that have been agreed in writing by the Local Planning Authority.
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development
3. That any tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds shall not take place during the nesting season, normally between March and August, unless the absence of nesting birds has been confirmed by further surveys or inspections and written approval has been given from the Local Planning Authority.
REASON: To protect habitats of wildlife in accordance with Policy 22 of the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026
4. Prior to commencement of the development hereby approved, details of the landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include elements of native and wildlife attracting shrubs and bird nesting habits. The approved landscaping scheme shall be implemented in the first planting season following completion of the development and shall be maintained at all times thereafter to the satisfaction of the Local Planning Authority. This maintenance shall include the watering, weeding, mulching and adjustment and removal of stakes and support systems, and shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies by the same species. The replacement tree or shrub must be of similar size to that originally planted.
REASON: In the interests of the amenity of the area in accordance with Policy 17 in the Central Lancashire Core Strategy, Policy G13 and Policy G17 in the South Ribble Local Plan 2012-2026
5. During the site preparation and construction of the development no machinery, plant or powered tools shall be operated outside the hours of 08:00 to 18:00 Monday to Friday 09:00 - 13:00 on Saturdays. No construction shall take place at any time on Sundays or nationally recognised Bank Holidays.
REASON: To safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy and Policy G17 of the South Ribble Local Plan.
6. The use hereby approved shall not open to the public outside the hours of 08:00 and 22:30 hours Monday to Saturday and 11:00 to 20:00 hours on Sundays and Bank and Public Holidays.
REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 and 28 of the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan.

7. Prior to the first use of the café/tearoom hereby approved full details of the waste storage facilities for the unit shall be submitted to and approved in writing by the local planning authority. Once approved the waste storage facilities shall be provided prior to first use of the development and shall be retained and maintained thereafter.
REASON: To provide effective and sufficient storage facilities for refuse and to safeguard amenities and living conditions of any nearby residents particularly with regards to odour, noise and insects in accordance with Policy 17 and 28 of the Central Lancashire Core Strategy and Policy G17 of the South Ribble Local Plan.
8. Prior to the installation of any external fixed mechanical plant, equipment, air conditioning units and/or condenser units or extraction systems being installed on the premises, full details of the siting and 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.
REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan.
9. There shall be no live or recorded entertainment or music played at the premises, either internally or externally. Low level incidental background music is only permissible internally.
REASON: To safeguard the living conditions of nearby residents particularly with regard to the effects of noise in accordance with Policy 17 in the Central Lancashire Core Strategy
10. The external seating area to be used by patrons of the units shall be restricted to the area to the front of the building facing Liverpool Road, as indicated by green diagonal lines on the Site Plan inset on approved Proposed Plan View dwg. no. P46/7 Rev A.
REASON: To safeguard the living conditions of nearby residents particularly with regard to the effects of noise in accordance with Policy 17 in the Central Lancashire Core Strategy
11. There shall be no external floodlighting or patio heaters installed in the outside area without prior consent from the Local Planning Authority.
REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026.
12. Prior to the first use of the café/tearoom hereby approved full details of acoustic fencing to be erected to safeguard the amenities of the owners/occupiers of 1 Queensway shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall then be fully implemented prior to the first use of the garden/patio area by patrons and retained and maintained thereafter for the duration of the approved use.
REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan.

RELEVANT POLICY

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| 1 | Locating Growth (Core Strategy Policy) |
| 9 | Economic Growth and Employment (Core Strategy Policy) |
| 22 | Biodiversity and Geodiversity (Core Strategy Policy) |
| 27 | Sustainable Resources and New Developments (Core Strategy Policy) |
| POLE4 | District Centres |
| POLG13 | Trees, Woodlands and Development |
| POLG16 | Biodiversity and Nature Conservation |
| POLG17 | Design Criteria for New Development |