

Application Number 07/2019/3497/FUL

Address Leyland Sports Association
Thurston Road
Leyland

Applicant Mr James Metcalf

Development Change of use from Social Club (Sui Generis) to Class A4 (Drinking establishments) and an infill extension to front/side elevation

Officer Recommendation **Refusal**
Officer Name **Mrs Debbie Roberts**

Date application valid 15.05.19
Target Determination Date 10.07.19
Extension of Time 23.08.19



1. Report Summary

1.1. The applications proposed change of use and extension of an existing sports social centre on Thurston Road, Leyland. The club does not currently have a premises/alcohol licence and is limited to use between 8am and 11pm by earlier planning permissions. The proposed use would be from 11am to 11.30pm evenings to ensure that all clients are off the premises by 12pm. A premises licence application has not yet been made.

1.2. In response to publicity four letters of objection have been received. Comments are detailed below.

1.3. Objection has not been made by the Highways Authority, and whilst Environmental Health are satisfied that the management plan is acceptable on paper, the level of impact on neighbouring properties would depend on how effective that management would be. Environmental Health therefore would only support the application if it was subject to a twelve month temporary permission to assess the sites management.

1.4. In design terms the proposal is considered compliant. The presence of a drinking establishment within 10m of residential properties where one has not previously existed is however questionable and on balance it is considered that the proposal should be refused for the following reason.

- The submission fails to demonstrate that internal and external use of the premises by virtue of noise, increased use and activity associated with a drinking establishment (Class A4) would not have an adverse impact on the amenities of neighbouring properties. The proposal is therefore contrary to Policies B1(c) and G17(a) of the South Ribble Local Plan, Policy 17 (c & d) of the Central Lancashire Core Strategy

1.5. If members are minded to approve however it is recommended that permission is granted subject to the temporary permission requested by Environmental Health.

2. Application Site and Surrounding Area

2.1. The application refers to a small social club building located to the centre of the leisure site accessed off King Street/Thurston Road, Leyland. The premises currently do not have a licence to serve alcohol and operates as a '*basic function room with vending and coffee machine*' (applicants statement)

2.2. Permission was granted in 2007 for the social club. A statement from the applicant at the time stated '*The planning application is accompanied by a Design & Access Statement which specifies that the existing pavilion will be used as a social amenity for the users of the sports facilities on site. There will be no need for a licence to serve alcohol as the proposed will be used for food, soft drinks, warm drinks and an area for vending machines. Members will use the building to meet and socialise with their opponents and the building will be a shelter from inclement weather as well as a store for sports equipment. The applicant claims that the building will only be open when sport is taking place and will close by 10pm latest*' – permission was granted until 11am.

2.3. In the east are a bowling green and netball courts with Shawbrook House (residential) beyond. To the south are netball courts behind which are properties addressed onto Sandy Lane and within Sandy Lane Conservation Area.

2.4. To the south-west is Gymtec gym, whilst north-west are Lancashire Football Association buildings and playing pitches; both properties are separated by large car parks. Immediately north are the rear gardens of 11-15 Kings Crescent

2.5. The site is designated by Policies G7 (Green Infrastructure) of the South Ribble Local Plan.

3. Site Context / Planning History

3.1. There are six planning applications on the history of this site. The only one of relevance to this proposal is 07/2007/0607/FUL for change of use of ground-keepers pavilion (Class D2) to use as a social club (sui generis) together with new access and alterations to existing access on 2 no: elevations. This remains the sites lawful use.

3.2. This permission limited the hours of operation to between the hours of 8am and 11pm each day.

4. Proposal

4.1. The application proposes change of use of the sports/social club (without alcohol premises licence) to a drinking establishment (Class A4) for general use with infill extension to front and side elevations.

4.2. The applicant proposes opening hours of 11am – 12am daily, with doors to close at 10pm to prevent noise impact. Current hours are limited by planning permission to between 8am and 11pm. The business employs two full time and one part time staff. This would rise to two full time and two part time employees.

4.3. A total of 39 car parking spaces are currently available. This is not expected to change.

4.4. Proposed to the northern side elevation facing the rear elevation of 15 Kings Crescent (bungalow) would be an infill extension of 3.5m x 6.8m, accessed from the rear. Constructed in materials to match the existing, and sitting under the existing roof, the extension would provide toilet and bottle store facilities.

4.5. Minor works are also proposed to the building. These are permitted development (i.e. do not require planning permission) but for completeness are:

- Installation of feature window into the front elevation (facing car park)
- Replacement of double store door with feature window and bi-fold doors to rear elevation (facing bowling green)
- Replacement door into side elevation facing away from properties on Kings Crescent.

4.6. The applicant's statement notes that lighting and CCTV would be installed to the buildings frontage, car park circulation routes and the car park itself. The applicant has since confirmed however that lighting will be as already installed. As a precautionary measure a condition to require pre-commencement submission of any additional lighting is considered necessary should permission be granted.

5. Summary of Supporting Documents

5.1. The application is accompanied by the following:

- Existing elevations (04: March 2019)
- Existing site plan (01: March 2019)
- Licensing plan (07: March 2019)
- Proposed Elevations (06: March 2019)
- Proposed Floor Plan (05: March 2019)

- Supporting Statement
- Noise Assessment/Technical Memorandum (8.7.19)

6. Representations

6.1. Summary of Publicity

6.1.1.A site notice has been posted, and 27 neighbouring properties consulted. Ward Councillors Forrest and Bylinski-Gelder have also been notified

6.2. Letters of Objection or Support

6.2.1.Four letters of objection have been received. In summary comments are:

Highways

- Increased traffic in an area of poor air quality
- Access is to be opened onto the Balcarres Road/Sandy Lane side of the grounds – a gateway which was closed off. The applicant's statements notes that there is '*pedestrian access from Balcarres Road and Sandy Lane*' but does not show opening or redevelopment of this footpath in his proposal. The Balcarres Road access is a gated pathway which although overgrown can be reinstated at any time regardless of this permission. The assumed Sandy Lane access is on Broad Square, and is closed by timber fencing, an internal hedge and netball court fencing which would prevent through access.

Residential Amenity

- Loss of amenity from increased noise and disturbance, and proximity of proposed WC hand dryers to residential properties
- Noise, smells and activity associated with proposed bin and bottle store
- Extension would be only 11m from residential properties
- Site is 1m higher than adjacent residential and would result in a loss of privacy
- Property is tolerable as a sports club. Opening a bar to the general public with extended hours would increase noise from people leaving after midnight
- Problems with light pollution and security
- Respondent accepts use of the site until 10pm but not later – the current permission already allows use until 11pm.

Other

- No: 1 Balcarres Close was not included in public consultation

Officer Comment: No 1 Balcarres Close sits 120m north-east of the property and does not share a common boundary. The Town & Country Planning (Development Management Procedure) (England) Order 2015 states that planning applications of this size should be publicised either by serving notice on any adjoining owner or occupier, or by site notice in at least one place on or near land for 21 days. Individual letters were sent to all residents with an adjoining boundary, and a site notice was posted within close proximity of the application site and in full sight. This was however an additional, not statutory measure, and as such the Council has fulfilled its statutory obligation with regards to publicity of this planning application.

Other comments which are not material planning considerations and have not been taken into account

- Existing noise from hand dryers

- Queries why bowling greens are not in current use, and questions restoration of the same
- Respondents question whether land is within the applicant's ownership – the land owner has signed a Certificate of Ownership.
- Lack of need for another pub in Leyland
- Limited contribution to the local economy

7. Summary of Responses

7.1. **Lancashire County Council Highways** has no objection, and is of the opinion that proposals would have a negligible impact on highways safety and capacity.

7.2. **Lancashire Constabulary** request that development complies with Secured by Design security initiatives, with security rated doors and windows and an appropriate CCTV system. An informative note has been added to this effect should permission be granted.

7.3. **Environmental Health** – the application is accompanied by a Technical Memorandum which details proposed noise mitigation, but is not a full noise impact assessment. Although lacking in detail it confirms:

- The applicant intends that drinking will not be permitted outside after 10pm when use of the pitches end and lights are turned off
- External seating area doors are to be closed at 10pm with proposed closing time of 11.30pm latest
- Access to external toilets will be replaced with access from inside the building
- 'loud music' will not be played nor the venue used for 'noisy functions'
- 'The clubhouse generates very little noise and this situation is likely to continue'
- Windows and doors will remain closed
- Bins will not be emptied late at night – a condition to prevent this would be included should permission be granted.
- A smoking area would be present on the eastern side away from residential properties which would remain unrestricted

Environmental Health have assessed the Technical Memo, noting that the document provides little information. They have asked what 'suitable controls' would be put in place and what constitutes an 'appropriate noise management plan'. The document is particularly vague and whilst conditions may be added to any permission granted regarding window and door closure, and a no-music policy these would be difficult to enforce. The additional information requested has been provided and whilst EH are satisfied with the management plan on paper, it is dependent on the strength of the management team in enforcing it. As a compromise to allow assessment of the proposal, Environmental Health have agreed to a temporary one year permission, after which time full permission would be applied for and any problems evident.

8. Material Considerations

8.1. Site Allocation Policy

8.1.1. The site is designated by policy G7 (Green Infrastructure) of the South Ribble Local Plan

8.1.2. Policy G7 seeks to protect and enhance existing Green Infrastructure. Development will not be permitted in areas allocated by this policy unless alternative or better provision of community facilities can be provided within the locality; or it can be demonstrated that the site is not required to satisfy local recreational need. Developers should also demonstrate

that the schemes public benefits would outweigh any loss of amenity or nature conservation value of the site.

8.1.3. Given that the proposal utilises a previously developed site and does not reduce or fracture playing pitch or open space, any negative effect on the openness and recreational value of the area is considered limited. In terms of Policy G7 the proposal therefore is compliant.

8.2. Additional Policy Background

Additional policy of marked relevance to this proposal is as follows:

8.2.1. National Planning Policy Framework (2019)

8.2.1.1. The overarching theme of the NPPF is one of presumption in favour of sustainable development; this includes building a strong and competitive economy.

8.2.1.2. Chapter 6 (Building a strong, competitive economy) states that *'planning decisions should help create conditions in which businesses can invest, expand and adapt'* (Para 80) and should be *'flexible enough to enable a rapid response to changes in economic circumstances'*

8.2.1.3 Chapter 12 (Achieving well designed places) – the creation of high quality buildings is fundamental to what the planning and development process should achieve; good design being a key aspect of sustainable development. Para 127(f) however notes that planning decisions should create places – amongst other things – with a *'high standard of amenity for existing and future users'*

8.2.2. Central Lancashire Core Strategy

8.2.2.1. Policy MP: states that Councils will take a proactive approach which reflects the NPPF's presumption in favour of sustainable development, and that applications which accord with the policies of the Local Plan will be approved without delay unless material considerations indicate otherwise.

8.2.2.2. Policy 1: Locating Growth focusses growth and investment on well-located, brownfield sites within key service and urban areas of the Borough; one of which is Leyland.

8.2.2.3. Policy 12 (Culture & Entertainment Facilities) seeks to *'promote cultural and entertainment facilities within key centres'* which *'are important in attracting visitors and investment to the area'*. Para 9.29 of this policy states that *'healthy sustainable communities should have ample cultural and leisure opportunities for all'*

8.2.2.3. Policy 17: Design of New Buildings requires new development to take account of the character and appearance of the local area.

8.2.3. South Ribble Local Plan

8.2.3.1. In addition to site allocation policy G7 (above), the following are also pertinent:

8.2.3.2. Policy F1: Parking Standards requires all development proposals to provide car parking and servicing space in accordance with parking standards adopted by the Council.

8.2.3.3. Policy G17: Design Criteria for New Development considers design in general terms, and impact of the development upon highways safety, the extended locale and the natural environment.

8.3. Other Material Considerations

8.3.3. Character and Appearance, and Impact Upon Neighbouring Properties

8.3.3.1. Local Plan Policy G17 (Design) supports development where design and siting are of a high quality, car parking and servicing provision are acceptable and there is no impact upon surrounding land use. The proposal does not reduce or affect existing parking (as required by Policy F1), and is within a sustainable town centre location. In design terms the proposed extension extends beneath the existing canopy overhang, in materials which match the main premises. Visually, change would be limited and in keeping with the character and appearance of the immediate surroundings.

8.3.3.2. The proposed store extension would be approximately 10m, 20m and 30m from its nearest neighbours in the north (15, 14 and 16 Kings Crescent respectively). These properties are bungalows which benefit from high hedge screening but which sit at a lower land level than the proposal site and would be subject to increased noise and activity associated with the enhanced 'drinking establishment' use.

8.3.3.3. Properties in the east lie 110m beyond netball courts, whilst those in the south are roughly 80m away and screened by mature trees and hedgerow. Impact upon these properties is likely to be limited.

9. Conclusion

9.2.3. There is little doubt that the proposal site is a sustainable location. It has easy access to Leyland Town Centre, public transport and would re-purpose an existing, well-constructed building. The proposal would require limited physical change and would retain existing lighting and parking arrangements.

9.2.4. Conversely, the proposed change of use to a drinking establishment is likely to result in increased noise and activity to a site where previously there has been little noise other than that from sports activity. Proposed hours of opening however are from 11am – three hours later than the existing 8am start, to 12pm closure - 1 hour later in the evening; licencing hours would be further controlled by any premises licence which might be granted.

9.2.5. It is considered that whilst the applicant has supplied a noise management plan, it is lacking in detail. The Technical Memorandum supplied states that '*loud music*' will not be played nor the venue used for '*noisy functions*' but the exact definition of '*loud music*' and '*noisy functions*' has not been provided or qualified. It also says that '*the clubhouse generates very little noise and this situation is likely to continue*' but the current club house which does not offer alcohol sales is likely to be a different business model to that of an A4 use

9.2.6. Increased noise and activity is likely to occur and this may be controlled with relevant and necessary conditions. These would be difficult however to enforce, and with little guarantee as to the effectiveness of on-site management, it is considered that the need to protect the residents of Kings Crescent from any loss of residential amenity outweighs the benefits of granting permission for a drinking establishment. This forms the main reason for refusal

9.2.7. The application is recommended for refusal for the following reasons. If members however are minded to approve however it is recommended that permission is granted

subject to – amongst others - the temporary one year permission requested by Environmental Health.

- The submission fails to demonstrate that internal and external use of the premises by virtue of noise, increased use and activity associated with a drinking establishment (Class A4) would not have an adverse impact on the amenities of neighbouring properties. The proposal is therefore contrary to Policies B1(c) and G17(a) of the South Ribble Local Plan, Policy 17 (c & d) of the Central Lancashire Core Strategy

RECOMMENDATION:

Refusal.