

**Application Number** 07/2019/6994/COU

**Address** 16 Liverpool Road  
Penwortham  
Preston  
Lancashire  
PR1 0AD

**Applicant** Mr Antony Anderson

**Development** Change of Use from Class A3 (Restaurant/Cafe) to  
Class A4 (Drinking Establishment)

**Officer Recommendation** Approval with Conditions

**Officer Name** Mrs Janice Crook

Date application valid 29.07.2019  
Target Determination Date 23.09.2019  
Extension of Time

**Location Plan**



## **1. Report Summary**

1.1 The application proposes a change of use of an existing A3 cafe to an A4 drinking establishment. The property is within the Penwortham District Centre and therefore has been assessed in terms of the requirements of Policy E4 of the South Ribble Local Plan and is considered to be acceptable and in accordance with this policy.

1.2 No objections have been received from residents and none from consultees. Environmental Health have requested a number of conditions be imposed which are considered reasonable and necessary in order to protect the amenity of the area from noise and disturbance. The application is recommended for approval subject to these conditions.

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

2.1 The application relates to a commercial property located on the corner of Liverpool Road and Priory Lane in Penwortham and at the crossroads junction with Cop Lane, which is an Air Quality Management Area. The property has recently been used as a cafe with seating to the forecourt area on Liverpool Road. The area is predominantly commercial in nature and is within the Penwortham District Centre. Some residential properties are located to the north on Priory Lane and above some of the commercial properties. 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**

07/1991/0448 Non-illuminated Shop Sign at First Floor Level. CONS 31/07/1991  
07/2016/1336/TPD Notification for prior approval for a change of use from Class (A1) to Class (A3) PRI 10/01/2017

## **4. Proposal**

4.1 The application proposes the change of use of from an A3 Restaurant/Caffs to a Class A4 Drinking Establishment. No external alterations are proposed.

4.2 The premises will operate Sunday to Thursday from 12:00 noon to 23:00; Friday and Saturday from 12:00 noon until 12.00 Midnight. However, the premises will be open to the public each day for an additional 30 minutes to allow for 'drinking up time'.

## **5. Summary of Publicity**

5.1 Neighbouring properties were notified and a site notice posted with 19 letters of representation being received in support of the application. Many of these did not include comments. Those comments that were provided relate to the following points:

- Proposal will bring investment into the town
- Enhance Penwortham's social scene
- Welcome having another place to go for a drink
- Penwortham needs more businesses like this
- Demonstration of the up and coming nature of the town centre
- Small businesses need an opportunity to bring extra footfall to the area
- Will be a great local community venue

## **6. Summary of Consultations**

6.1 **County Highways** are of the opinion that the proposed change of use from class A3 to class A4 should have a negligible impact on highway safety and capacity within the immediate vicinity of the site. The site is within the district centre of Penwortham in a highly accessible

location with good access to public transport and with a large population within easy walking distance. There are also sufficient waiting restrictions in the vicinity of the site to control on road parking. Taking all of the above into consideration, County Highways are of the opinion that the proposed development would not have a severe impact and therefore have no objections to the application.

6.2 **Environmental Health** comment that the proposed development has the potential to adversely affect the amenity of the area. While they have no objection in principle to the development a number of conditions are required to avoid any significant adverse effects. These conditions are to ensure no live or recorded entertainment or music is played at the premises; that no flood lighting or patio heaters be installed in the outside area; that waste, including empty bottles, should 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 09:30 Monday to Sunday; that all doors and windows to the property shall remain closed at all times except for access and egress so as not to cause a noise nuisance; that the outside area/beer garden shall not be used between 20:00 and 10:00 hours on any day; that a Noise Management Plan be submitted for approval; that details of any extraction/ventilation systems be submitted 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 F1: Parking Standards** requires all development proposals to provide car parking and servicing space in accordance with the parking standards adopted by the Council. In general, parking requirements will be kept to the standards as set out unless there are significant road safety or traffic management implications related to the development of the site. The parking standards should be seen as a guide for developers and any variation from these standards should be supported by local evidence in the form of a transport statement. Where appropriate, some flexibility will be factored into the standards in relation to the specific local circumstances.

7.3 **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.

7.4 **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.

7.5 **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 Background**

8.1.1 The application property has been used since 2016 as a cafe known as ‘Bread and Butter’ and has an entrance and display window fronting Liverpool Road and a second entrance and display window fronting Priory Lane. Effectively the property has two addresses on the Land Registry records, 16 Liverpool Road and 2 Priory Lane. The first floor is a hair and beauty salon.

### **8.2 District Centre**

8.2.1 The aim of Policy E4 is to protect and enhance the district centre in order to maintain its vitality and viability. Although it encourages the change of use of existing buildings for A1 Retail Use in order to achieve a minimum of 60% of the overall units as A1, it is recognized that the application property has been in use as an A3 Cafe and Restaurant uses. Policy E4 also permits change of use to A4 Drinking Establishments where this would not harm the sustainability of the shopping area. It is considered that the proposal to change the use from an A3 Cafe to an A4 Drinking Establishment is in accordance with Policy E4 and will have no undue impact on the sustainability of the shopping area or reduce the number of A1 units in the District Centre.

8.2.2 Additionally, the proposal accords with the aims of the Penwortham Town Plan in that it assists in the overall improvement of the centre and will help sustain the vitality and viability of the centre.

### **8.3 Residential Amenity**

8.3.1 The proposed development has the potential to adversely affect the amenity of the area in terms of the effect of noise and disturbance on nearby residential properties. Environmental Health have advised that, while they have no objection in principle to the development, a number of conditions are required to avoid any significant adverse effects. These conditions are to ensure no live or recorded entertainment or music is played at the premises; that no flood lighting or patio heaters be installed in the outside area; that waste, including empty bottles, should 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 09:30 Monday to Sunday; that all doors and windows to the property shall remain closed at all times except for access and egress so as not to cause a noise nuisance; that the outside area/beer garden shall not be used between 20:00 and 10:00 hours on any day; that a Noise Management Plan be submitted for approval; that details of any extraction/ventilation systems be submitted and that there shall be no external storage within the confines of the application site.

### **8.4 Parking and Servicing**

8.4.1 The property has no parking provision as existing and none is proposed. Policy F1 requires 1 parking space per 6 square metres of public floor space. The property has a gross internal

floorspace of 54 square metres, therefore requiring 9 parking spaces. However, Policy F1 advises that the parking standards should be seen as a guide for developers but where appropriate, some flexibility can be factored into the standards in relation to the specific local circumstances. Additionally, Policy G17 advises new development should 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. The proposal does not reduce the number of car parking spaces as none exist at present. The site is within the Penwortham District Centre where there are a number of car parking areas, both public and private. A public car park is approximately 200m to the west with some on-street parking on Priory Lane.

8.4.2 A delivery area is shown on the submitted floor layout plan, adjacent the building and accessed off Priory Lane. This is a small inset area which was being used as a parking space at the time of the case officer's site visit. The submitted Design and Access Statement advises: *"Deliveries will be made via the entrance on Priory Lane at a suitable time. The suppliers we will be using will not be delivering in large drays and will be advised on suitable arrangements once we have the final suppliers confirmed."*

8.4.3 County Highways comment that the site is within a highly accessible location with good access to public transport and with a large population within easy walking distance. There are also sufficient waiting restrictions in the vicinity of the site to control on road parking. Therefore they raise no objections in terms of parking provision or the delivery area.

## 8.5 **Air Quality**

8.5.1 The application site is adjacent to the Penwortham Air Quality Management Area. However, as the proposed change of use does not in itself increase traffic, particularly as no parking is provided for the premises and therefore will encourage walking or the use of public transport, then it is considered there will be no impacts on Air Quality in the area.

## 9. **Conclusion**

9.1 For the reasons set out in this report, it is considered that the proposed change of use from a cafe to a drinking establishment is acceptable in the district centre location in which the application property is located. The proposal accords with the aims of Policy E4 and the Penwortham Town Plan and therefore the application is recommended for approval subject to the imposition of conditions aimed to protect residential amenity.

## 10. **Policy Considerations**

### **Central Lancashire Core Strategy**

Policy 17: Design of New Buildings

### **South Ribble Local Plan**

E4 District Centres

F1 Car Parking

G17 Design Criteria for New Development

### **Penwortham Town Plan**

## 11. **Recommendation**

Approval with Conditions

## 12. **Conditions/Reasons**

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 1603 Ground Floor Layout  
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 flood lighting or patio heaters installed in the outside area 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 - 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 outside the hours of 19:00 to 08:00 Monday to Friday and 19:00- 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 by the site between the hours of 19:00 and 09:30 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 remain closed at all times 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. Any outside area to be used by patrons, shall be restricted to the area immediately outside the building facing Liverpool Road. This area shall only be used between the hours of 11:00 hours to 18:00 for the consumption of food and drink.  
REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy
10. Table and chairs provided to the outside area shall only be provided between the hours of 11:00 to 18:00. Outside of these hours they must be removed to prevent there unauthorised usage.  
REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy

11. Prior to the commencement of any works on site a Noise Management Plan shall be submitted for approval to the local planning authority detailing how the applicant intends to control noise from patrons whilst using the facility both internally and externally. The approved plan shall then be implemented and retained thereafter. Any changes to the plan shall first be agreed in writing with 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
12. 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.  
REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy
13. There shall be no external storage within the confines of the application site.  
REASON: To safeguard the visual appearance and character of the area in accordance with Policy G17 in the South Ribble Local Plan

**13. Informative Note**

Any extraction/ventilation system proposed under condition 11 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).