

Application Number 07/2019/7949/FUL

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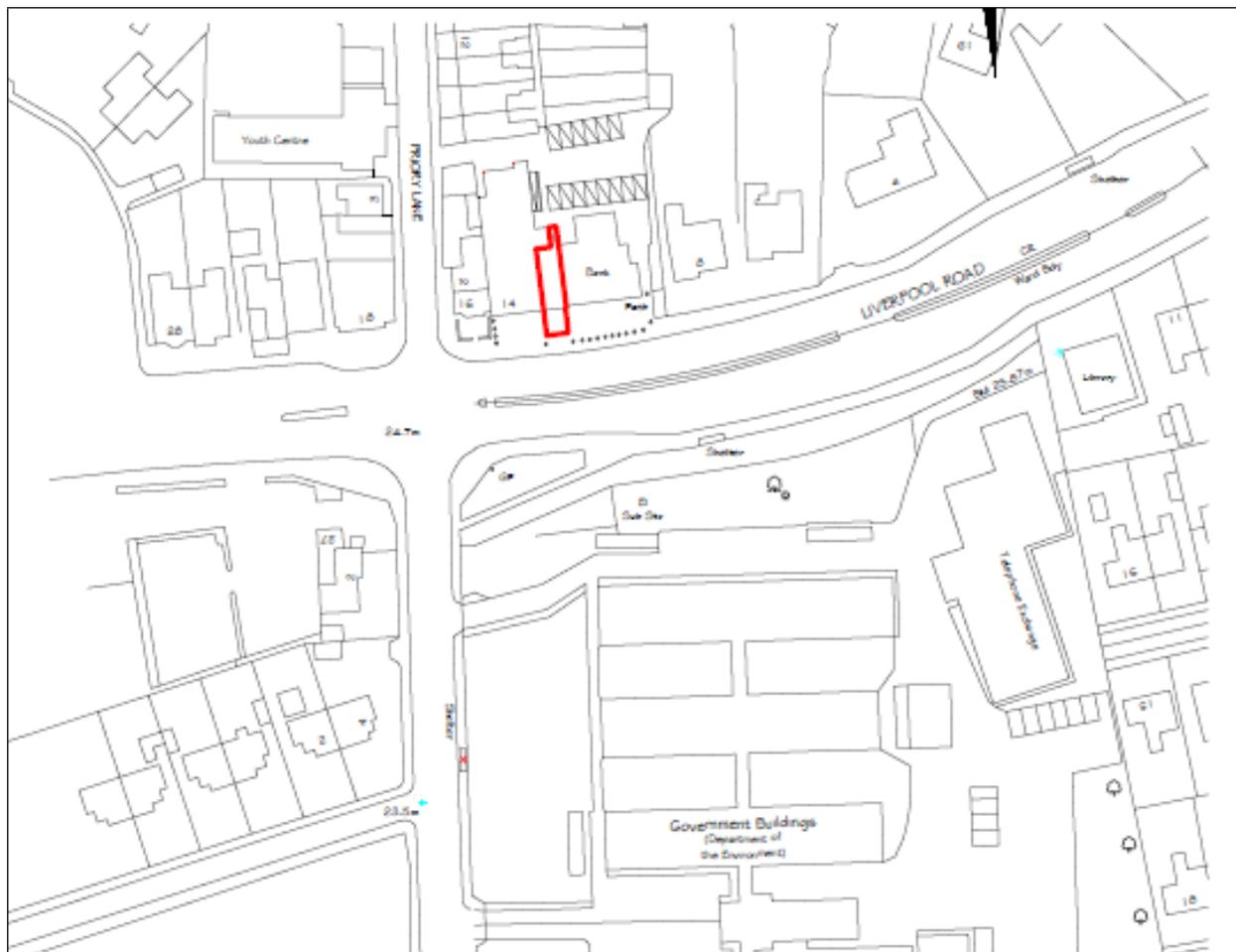
Development Change of use of Unit 1 from A1 (Retail) to A4
(Drinking Establishment)

Officer Recommendation Approval with Conditions

Officer Name Mrs Janice Crook

Date application valid 08.08.2019
Target Determination Date 03.10.2019
Extension of Time

Location Plan



1. Report Summary

1.1 The application proposes a change of use of Unit 1 of the recently refurbished and sub-divided former Booths supermarket on Liverpool Road in Penwortham. The unit was to be an A1 Retail premises and the proposal is for a change of use to a drinking establishment within the A4 Use Class with external seating to the front forecourt area. The proposed hours of use are 9:30 to midnight Monday to Saturday and 10:30 to midnight on Sunday and Bank Holidays.

1.2 Generally, there is support for the proposal but two letters of objection have been received, mainly in terms of noise and disturbance and the resulting impact on the residential amenity of nearby residential properties, particularly the apartments above the adjacent properties.

1.3 Environmental Health have also raised similar concerns and therefore require a number of conditions to avoid any significant adverse effects. It is considered that, with the imposition of such conditions, the proposed development is acceptable and the application is recommended for approval.

2. Site and Surrounding Area

2.1 The application relates to Unit 1 of the recently refurbished and sub-divided former Booths supermarket on Liverpool Road in Penwortham. 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. Residential apartments are above some of the commercial premises with further residential properties located to the north on Priory Lane. 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

07/1974/0898 Additional extension to shop and storage areas. APV 19/02/1975
07/1975/0145 Proposed new layout of forecourt to shop. APV 14/05/1975
07/1978/0607 Proposed Enclosure for Refuse Bins. APV 09/08/1978
07/2004/0950 Change of use of first floor from retail storage (Class A1) to two residential flats (Class C3) APV 08/10/2004
07/2005/0040 Alterations to shop front. Formation of access ramp to side. Externally mounted refrigeration plant under overhang to side elevation. APV 13/09/2006
07/2005/0057 Externally illuminated fascia sign and internally illuminated projecting sign. CONS 18/02/2005
07/2014/0433/FUL Change of use from Class (A1) to Class (A3) with alterations to front elevation WDN 05/12/2014
07/2014/0434/ADV Advertisement consent for internally illuminated advertisement scheme WDN 05/12/2014
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. APC 15/01/2019

4. Proposal

4.1 The application proposes the change of use of Unit 1 from A1 Retail to an A4 Drinking Establishment. The former Booths supermarket premises was sub-divided into three units, two of which were to be in A1 retail use with the third to be an A3 restaurant. The conversion works have commenced and are nearing completion. The proposal does not include any further alterations to the building. The front forecourt area is to be sectioned off with tables and chairs for outside use.

4.2 The proposed hours of use are 9:30 to midnight Monday to Saturday and 10:30 to midnight on Sunday and Bank Holidays.

5. Summary of Publicity

5.1 Neighbouring properties were notified and a site notice posted with 21 letters of representation being received. Two letters object to the proposal on the following grounds:

- Loss of privacy
- Outside area is too close to the front
- Noise from use of seating area
- Disturbance during evening and summer months
- Noise and disturbance in general
- Apartment's only outdoor space is on the roof above the units
- Could an acoustic fence panel be used as a solution to dampen noise?
- Use of car park in the evenings will cause disturbance
- Restrictions on level of music will be necessary
- Restrictions on smoking to front of unit due to location of outdoor area
- Unit needs to be soundproofed to prevent noise filtering into apartment.
- Restrictions on when fitting out works, deliveries and waste collections can be made
- Restrictions on hours of trading
- Discrepancies over the use of the 'shared' car park to the rear
- Ample drinking establishments in the area
- Concerns over the number of units being proposed for drinking establishments and eateries in the area
- Impact on the residential properties that are above or close to 10 to 16 Liverpool Road

5.2 The remaining 19 letters were all in support of the application, with comments including:

- The village will be a nice place to walk though and sit for a drink once the bypass is open.
- Penwortham centre needs to keep being developed
- Good to have another bar on Liverpool Road
- Will give the area a boost
- Better than having empty shops
- Penwortham needs more businesses to keep the frontage alive
- Building has been empty for such a long time, good to see it being brought back into the community
- New bar will bring people into Penwortham and they may also visit other venues
- Will help generate income for local traders
- Promotes investment in the area
- Will be a great local social hub
- Penwortham is up and coming and become a popular place to go for both bars, pubs, eateries and shops

6. Summary of Consultations

6.1 **County Highways** have no objections to the proposed development and consider that the proposals 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.

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. They requested conditions relating to no live or recorded entertainment or music played at the premises; no flood lighting or patio heaters installed in the outside area; restrictions on the hours waste, including empty bottles, can be removed from the premises; restrictions on when waste collections take place; restriction on the times of deliveries; that all doors and windows to the property remain closed at all times; restriction on the hours of use of the outside area; that a Noise Management Plan be submitted for approval; details of any extraction/ventilation systems be submitted; and that there 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 Café 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 gained permission (07/2018/8006/FUL) for the sub-division of the former Booth supermarket to form two retail units and one restaurant and refurbishment works, including a new shop front, windows, doors and cladding. The works have been commenced and were nearing completion at the time of the case officer's site visit.

8.2 Impact on 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, Policy E4 also permits change of use to A4 Drinking Establishments where this would not harm the sustainability of the shopping area. As the unit is a new unit and has not operated as a retail premises, and as one retail unit (Unit 2) will remain, it is considered that the proposal accords with Policy E4 as there is no loss of a retail unit. It is noted that, at October 2018, just 44% of the district centre premises were in A1 retail use and therefore this proposal will not alter the situation.

8.3 Parking and Servicing

8.3.1 There is a small car park to the rear of the property which accommodates 14 vehicles and is shared between the former Booths premises, the residential apartments above and the neighbouring property, a former Bank now also converted into two units, one to be an A1 retail property and the second to be an A3 cafe. However, the submitted application forms indicate there is no parking for the application unit, whilst the Design and Access Statement submitted in support of the application advises that deliveries to the proposed bar and shops will be made from the rear of the building.

8.3.2 Policy F1 advises that, where appropriate, some flexibility can be factored into the parking standards in relation to the specific local circumstances. Policy G17 also advises that, where there are other material considerations which justify the reduction such as proximity to a public car park, the parking standards can be relaxed. It is noted that there is a car park, owned by the council and for public use, approximately 200m to the west of the application property.

8.3.3 It is often the case that town and district centre premises do not have their own dedicated car parking and rely on public car parks. It is also recognised that on road parking is permitted on Priory Lane and many of the premises along Priory Lane do have parking provision in the form of front forecourts or rear car parking area. However, none of these parking areas are for public use with 'no parking' or 'private land' signage present.

8.3.4 Residents have objected, raising the issue of parking. They consider that the use of car park in the evenings will cause disturbance and that there are discrepancies over the use of the 'shared' car park to the rear. However, as indicated, the applicant is not claiming any of the parking spaces.

8.3.5 County Highways have no objections to the proposal, commenting that 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. Therefore the proposal is considered acceptable in terms of parking and servicing.

8.4 Residential Amenity

8.4.1 Policy 17 seeks to ensure that neighbouring properties are not adversely affected by new development and Policy G17 seeks to protect residential amenity. It is noted that, although the application unit is single storey, the adjacent properties have first floor apartments. There are also a number of residential properties along Priory Lane. The proposal has the potential to adversely affect the residential amenity of these neighbouring properties in terms of noise and disturbance and neighbouring residents have raised concerns.

8.4.2 Letters of objection raise issues of noise and disturbance, particularly due to the location and proximity of the outside seating area and the resultant noise this will create from patrons using the area. The main property affected is the first floor apartment which has its only outdoor space on the roof above the unit.

8.4.3 Environmental Health have also raised this as a concern and require a number of conditions to be imposed to restrict live or recorded entertainment or music at the premises; restrict the hours waste be removed from the premises; restrict when waste collections take place; restrict the times of deliveries; restrict the hours of use of the outside area; and one to ensure that all doors and windows remain closed at all times other than for access/egress. With the inclusion of these recommended conditions, it is considered that the proposal can be acceptable in terms of noise and disturbance.

8.5 Other Issues

8.5.1 Objectors considered there are ample drinking establishments in the area and have concerns over the number of new units being proposed as drinking establishments and eateries in the area. Competition is not a material planning consideration and whilst it is acknowledged that there are a number of new and proposed drinking establishments along Liverpool Road, each has been or will be considered on its own merits with reference to the relevant planning policies. Although Policy E4 seeks to encourage a minimum of 60% of the overall units for A1 retail use, it also allows for other district centre uses including A4 Drinking Establishments where this would not harm the sustainability of the shopping area. It is clear that none of the recent drinking establishments have harmed the vitality or viability of the District Centre which is currently thriving.

8.6 Air Quality

8.6.1 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 The proposal for a change of use of this recently created unit is considered to be in compliance with planning policy and will help the vitality and viability of the Penwortham Town Centre and the aims of the Penwortham Town Plan to improve the centre. The application is recommended for approval subject to the imposition of conditions.

10. Recommendation

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 PE35/19 Rev A; GF35/19 Rev A;
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

12. **Relevant Policy**

South Ribble Local Plan

Policy E4: District Centres

Policy F1: Parking Standards

Policy G17: Design Criteria for New Development

Central Lancashire Core Strategy

Policy 17: Design of New Buildings

Penwortham Town Plan

13. **Informative Note**

Any extraction/ventilation system proposed as part of 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.