

Application Number	07/2019/9896/FUL
Address	55 Hough Lane Leyland Lancashire PR25 2SA
Applicant	Venue Group Ltd
Agent	Mr David Perry Extended Design Limited 97 THE FARTHINGS ASTLEY VILLAGE CHORLEY PR7 1SH
Development	Change of use from (Class A2 Financial and professional services) to (Class A4 Drinking establishment) replacement shop frontage and outside seating area
Officer Recommendation	Approval with Conditions
Officer Name	Mrs Janice Crook
Date application valid	25.09.2019
Target Determination Date	20.11.2019
Extension of Time	

Location Plan



1. Report Summary

1.1 The application proposes the change of use of a vacant A2 premises to provide a new A4 drinking establishment. Also proposed is the formation of a new shop frontage and outside seating area.

1.2 No objections have been received from members of the public. There are no highway objections. Environmental Health require a number of conditions be imposed to mitigate against any potential impact to neighbouring residents in terms of noise and disturbance. It is considered that, with the requested conditions, the proposed development is acceptable in this town centre location and the application is recommended for approval.

2. Site and Surrounding Area

2.1 The application relates to 55 Hough Lane located within the Leyland Town Centre boundary. The property was used by an Insurance company within the A2 Use Class and more latterly by Sovereign Blinds and the Leyland Historical Society as a Heritage Centre, although these uses were not subject to change of use application. The property is now vacant.

2.2 Neighbouring properties are commercial, including a betting shop, Barnardo's charity shop and hot food takeaway on the same side and a variety of retail shops on the opposite side of Hough Lane together with a Wetherspoon's public house.

3. Planning History

- 07/1988/0613 Illuminated Fascia Sign. CONS 21/09/1988
- 07/1988/0343 Change of use from retail to office for estate agency and financial services (A2). APV 22/06/1988
- 07/1993/0277 Illuminated Post-Mounted Sign. CONS 30/06/1993

4. Proposal

4.1 The application proposes the change of use of 55 Hough Lane from an A2 Financial and Professional Services Use to a Class A4 Drinking Establishments together with a replacement shop front. The proposal also include an outside seating area.

4.2 Internally the proposal will provide for an open plan seating and bar area to accommodate approximately 8 tables, an office/store/kitchen area and WC facilities. Externally the front forecourt will accommodate approximately 4 tables. Currently the forecourt is enclosed by a low wall with railings above and the application is silent on whether this is to remain as is or be replaced.

4.3 The new shop front will be finished in timber cladding in dark grey/black double glazed units

4.4 The proposal is to operate between the hours of 12:00 noon to 01:00am on any day. Three full-time employees will operate the premises.

5. Summary of Publicity

5.1 Neighbouring properties were notified and a site notice posted with no letters of representation being received,

6. Summary of Consultations

6.1 **County Highways** comment, based on all the information provided by the applicant to date and after undertaking a site visit. They have no objections to the planning application and are of the opinion that the nature and scale of the proposals should have a negligible impact on highway safety and capacity within the immediate vicinity of the site. Additionally, they confirm that the proposed seating area is outside of the adopted highway.

6.2 **Environmental Health** comment the proposed development has the potential to adversely affect neighbouring properties and there is limited information forming part of the application. As such the Environmental Health department objects to the application unless conditions are imposed in respect of the hours of operation; hours deliveries may take place; hours when waste can be removed; details of any extraction or ventilation be provided; the provision of an odour assessment; limitation on amplified or live music; details of noise mitigation measure; that all doors and windows remain closed during opening hours; restriction on the times the external area may be used; that no external speakers be installed; and that no external seating be installed.

6.3 Environmental Health also comment that the proposed plans also show a newly created room for use as an office/store and kitchen. A kitchen cannot be used as an office and store and advise that the applicant must consider this further prior to opening. As such amended plans were received to remove the reference to a kitchen. The agent also advised that the kitchen was intended for staff use only and therefore the amended plan now indicates that room is a store-room and staff room only.

7. Policy Background

7.1 South Ribble Local Plan

Policy E3: Leyland Town Centre is made up of both Primary and Secondary Retail Frontages. Within the Primary Retail Frontage, 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 within the Primary Retail Frontage;
- b) A3 (Café and Restaurant) uses and A4 (Drinking Establishments) uses to enhance the evening economy; and
- c) Other town centre uses including A2 (Financial and Professional Services) and B1 (Offices) will be permitted where this would not harm the sustainability of the shopping area;
- d) Living accommodation or B1 (Office) use will be permitted at first floor level.
Secondary

The remaining area of the defined town centre is classified as the Secondary Retail Frontage. Uses in these areas will be protected and enhanced wherever possible for A1 (Retail Use), A3 (Cafés and Restaurants) and A4 (Drinking establishments) may be appropriate to maintain the vitality and viability of the area.

New buildings, redevelopment of existing sites, extensions and/or change of use of existing buildings in the Town Centre will either be expected to use existing car parking facilities within the town centre or provide the appropriate level of car parking based on their location and type of development as set out in **Policy F1**.

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. Furthermore, any new roads and/or pavements provided as part of the development should be to an adoptable standard; the proposal would sustain, conserve and where appropriate enhance the significance, appearance, character and setting of a heritage asset itself and the surrounding historic environment. Where a proposed development would lead to substantial harm or loss of significance of a designated heritage asset, planning permission will only be granted where it can be demonstrated that the substantial public benefits of the proposal outweigh the harm or loss to the asset; and the proposal would not have a detrimental impact on landscape features such as mature trees, hedgerows, ponds and watercourses. In some circumstances where, on balance, it is considered acceptable to remove one or more of these features, then mitigation measures to replace the feature/s will be required either on or off-site.

7.2 Central Lancashire Core Strategy

Policy 11: Retail and Town Centre Uses and Business Based Tourism

Retail and other town centre uses of a scale appropriate to the retail hierarchy and in sustainable locations will be supported, provided that the development respects the character of the centre, including its special architectural and historic interest and assists in maintaining its existing retail function.

The key elements of the hierarchy are:

- City Centre: Preston
- Principal Town Centres: Leyland and Chorley
- District Centres: Bamber Bridge, Clayton Green, Longton, Penwortham and Tardy Gate, and those proposed at Buckshaw Village and Cottam

Retail and town centre uses will be delivered in the following ways:

- (a) Delivering a mixed-use scheme to facilitate the regeneration of the Tithebarn Regeneration Area of Preston.
- (b) Encouraging other retail, office and leisure investment of an appropriate scale in Preston city centre, so as to retain its role as the largest retail, commercial and service centre in the Lancashire as a whole.
- (c) Maintaining and improving the vitality and viability of Chorley town centre by building on the success of the Market Walk shopping centre, through investing in further retail development, supporting a range of other retailers and services, as well as improving the centre's appearance and accessibility.
- (d) Maintaining and improving the vitality and viability of Leyland town centre, in particular the accessibility, design and environmental improvements put forward in the Leyland Town Centre Masterplan.
- (e) Maintaining, improving and controlling the mix of uses in the existing District and Local Centres and proposed centres at Strategic Sites and Locations, so as to appropriately serve local needs.
- (f) Focussing main town centre uses in the defined town centres.
- (g) Supporting city and town centre development providing for tourists and visitors, particularly business based tourism.

Policy 16: Heritage Assets

Protect and seek opportunities to enhance the historic environment, heritage assets and their settings by:

- a) Safeguarding heritage assets from inappropriate development that would cause harm to their significances.
- b) Supporting development or other initiatives where they protect and enhance the local character, setting, management and historic significance of heritage assets, with

particular support for initiatives that will improve any assets that are recognised as being in poor condition, or at risk.

- c) Identifying and adopting a local list of heritage assets for each Authority.

Policy 17: Design of New Buildings

The design of new buildings will be expected to take account of the character and appearance of the local area, including the following:

- a) siting, layout, massing, scale, design, materials, building to plot ratio and landscaping.
- b) safeguarding and enhancing the built and historic environment.
- c) being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the amenities of the local area.
- d) ensuring that the amenities of occupiers of the new development will not be adversely affected by neighbouring uses and vice versa.
- e) linking in with surrounding movement patterns and not prejudicing the development of neighbouring land, including the creation of landlocked sites.
- f) minimising opportunity for crime, and maximising natural surveillance.
- g) providing landscaping as an integral part of the development, protecting existing landscape features and natural assets, habitat creation, providing open space, and enhancing the public realm.
- h) including public art in appropriate circumstances.
- i) demonstrating, through the Design and Access Statement, the appropriateness of the proposal.
- j) making provision for the needs of special groups in the community such as the elderly and those with disabilities.
- k) promoting designs that will be adaptable to climate change, and adopting principles of sustainable construction including Sustainable Drainage Systems (SuDS); and
- l) achieving Building for Life rating of 'Silver' or 'Gold' for new residential developments.
- m) ensuring that contaminated land, land stability and other risks associated with coal mining are considered and, where necessary, addressed through appropriate remediation and mitigation measures.

8. Material Considerations

8.1 Impact on Town Centre

8.1.1 The application property is within the Primary Retail Frontage of the Leyland Town Centre. Policy E3, at criteria b) advises that, within the Primary Retail Frontage, planning permission will be granted a change of use of an existing building for A4 Drinking Establishment use in order to enhance the evening economy. Therefore the proposal is fully in compliance with this policy in terms of use.

8.2 Parking

8.2.1 In terms of parking provision, Policy E3 advises that the change of use of existing buildings in the Town Centre will either be expected to use existing car parking facilities within the town centre or provide the appropriate level of car parking based on their location and type of development as set out in Policy F1. The application property has no dedicated parking and none is proposed. However, there are a number of Town Centre car parks in the area and time limited on street parking along Hough Lane. Newsome Street also has some limited parking, as do other side streets off Hough Lane.

8.2.2 The application property is also within a highly sustainable area, on a main bus route, close to the Leyland railway station and within easy walking distance of the wider area.

8.2.3 County Highways have no comments to make on the parking and therefore the proposal is acceptable in terms of parking.

8.3 Impact on Residential Amenity

8.3.1 Newsome Street is a street of terraced residential properties, as are the majority of the side streets off Hough Lane. Additionally, some of the commercial premises along Hough Lane have first floor residential apartments. Therefore the proposed development has the potential to adversely affect these neighbouring properties, due to the nature of the proposal and the proximity to these residents. Policy 17 of the Central Lancashire Core Strategy seeks to ensure that the amenities of occupiers of the new development will not be adversely affected by neighbouring uses and vice versa. The main issues that arise from A4 uses is that of noise and disturbance and this is considered below.

8.4 Noise and Disturbance

8.4.1 The proposal has the potential to create noise and disturbance issues and as such Environmental Health have requested conditions be imposed to mitigate against the potential impacts from noise and disturbance, particularly as the proposal includes an external seating area.

8.4.2 In particular, Environmental Health raise concerns regarding noise from music and have requested a condition to ensure that all amplified or live music, including incidental background music shall be played through a sound limiting device which is set in conjunction with the Council's Environmental Health Department. They also recommend that the sound limiting device has the capacity to be set for each octave band frequency. Environmental Health also require a condition to ensure that no external speakers be installed to the outside area.

8.4.3 Other noise mitigation measures include conditions to restrict the hours deliveries may take place; the hours when waste can be removed from the premises and a condition to ensure that doors and windows remain closed during the hours of operation, apart from ingress and egress. Environmental Health also want to restrict the use of the outside area up until 22:00 on any day. It must be noted that planning permission is not required to place tables and chairs and use an external forecourt area providing it is not within the adopted highway. County Highways have confirmed that the proposed seating area is outside of the adopted highway.

8.4.4 Extraction and Ventilation systems can also cause noise issues to neighbouring residents and Environmental Health requested that, should any extraction/ventilation or external refrigeration systems be required, full details of the noise levels to be experienced at the nearest properties be submitted and, once approved, the system then be installed as agreed and maintained as approved. They advise that the extraction/ventilation system shall be so designed to ensure the cumulative noise from all noise sources shall not exceed, 10 dB(A) below the existing L_{A90} , at the nearest noise-sensitive premises to the proposed development as assessed in accordance with British Standard 4142 (2014). However, the amended plans demonstrate there is no kitchen and therefore the requested condition has been amended to cover ventilation only, should this be required.

8.4.5 Finally, as the first floor above the proposed development is in commercial use, currently used by Drivers Direct, a business concerns with the recruitment and placement of professional drivers. Environmental Health require details of works to be undertaken to prevent sound transference from the ground to first floor to ensure that no disturbance is experienced by the first floor business. However, this is not considered necessary due to the first floor being in commercial use and not a residential property.

8.5 Odour

8.5.1 Extraction System also have the potential to create odour issues and therefore Environmental Health requested a condition requiring an assessment of the potential impact of odour from the development be undertaken and mitigation measures identified. However, as indicated above, no kitchen is proposed and therefore there will be no requirement for an extraction system.

8.6 Heritage

8.6.1 United Reformed Church is a Grade II Listed Building and therefore the impact on this heritage asset is a consideration. The church is located approximately 12m to the west of the application property and is set back from the highway with a walled garden area in its front.

8.6.2 Policy G17 criteria d) requires that development proposals sustain, conserve and where appropriate enhance the significance, appearance, character and setting of a heritage asset itself and the surrounding historic environment.

8.6.3 The church is surrounded by commercial properties in a variety of uses. Due to it being set back from the building line of Hough Lane and the fact that it has a walled garden to its front, this provides some separation for the church from its neighbouring uses. Additionally, the property adjacent to the church projects further forward than the church or the application property and therefore there will be little view of the proposed development from the church. It is considered that the proposal accords with Policy G17 criteria d) in that it does not lead to substantial harm to or loss of its significance.

8.7 Air Quality

8.7.1 Environmental Health advise that, due to the external seating area, the development has the potential to introduce new receptors to a busy road. In line with the National Planning Policy Framework (NPPF), some consideration of the potential to affect these new receptors from poor air quality is required. Environmental Health suggest that some form of barrier (possibly transparent) is erected around the outdoor seating area to help mitigate the impacts from the busy road.

9. Conclusion

9.1 Although the application property is in close proximity to residential properties, it is considered that, with the imposition of conditions, the proposal is acceptable, particularly as the site lies within the Town Centre and complies with Policy E3. Therefore 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 1969/100A Location Plan; 1969/102A Proposed Layout and Elevation
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development
3. Prior to the installation of any ventilation system 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

4. The proposed development shall only operate within the hours of 12:00 to 01:00 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
5. No deliveries shall be received by the site between the hours of 22:00 and 07:30 Monday to Friday, 09:00 and 13:00 Saturdays. No deliveries shall be received on Sundays or Bank Holidays.
REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy
6. No waste shall be removed from the premises between the hours of 22:00 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
7. All amplified or live music, including incidental background music shall be played through a sound limiting device. The device shall be set in conjunction with the Council's Environmental Health Department and shall be fitted with a tamper-proof system.
REASON: In the interests of the amenity and to safe guard the living conditions of the nearby residents in accordance with Policy 17 in the Central Lancashire Core Strategy
8. All doors and windows shall remain closed during the hours of operation, except for ingress and egress.
REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy
9. The outside area/beer garden shall not be used after 22:00 hours 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. No external speakers shall be installed to the external seating area.
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 floodlighting or patio heaters installed in the outside area.
Reason: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy

12. **Relevant Policy**

Central Lancashire Core Strategy

- 11 Retail and Town Centre Uses and Business Based Tourism
- 16 Heritage Assets
- 17 Design of New Buildings

South Ribble Local Plan

- E3 Leyland Town Centre
- F1 Car Parking
- G17 Design Criteria for New Development

Informative Notes

1. Any ventilation system proposed as per condition 3 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).

2. It is recommended that the sound limiting device required by condition 7 has the capacity to be set for each octave band frequency.
3. It is recommended that in order to comply with condition 9 and to ensure a suitable internal atmosphere the applicant installs an air handling system.