

Application Number 07/2017/2837/FUL

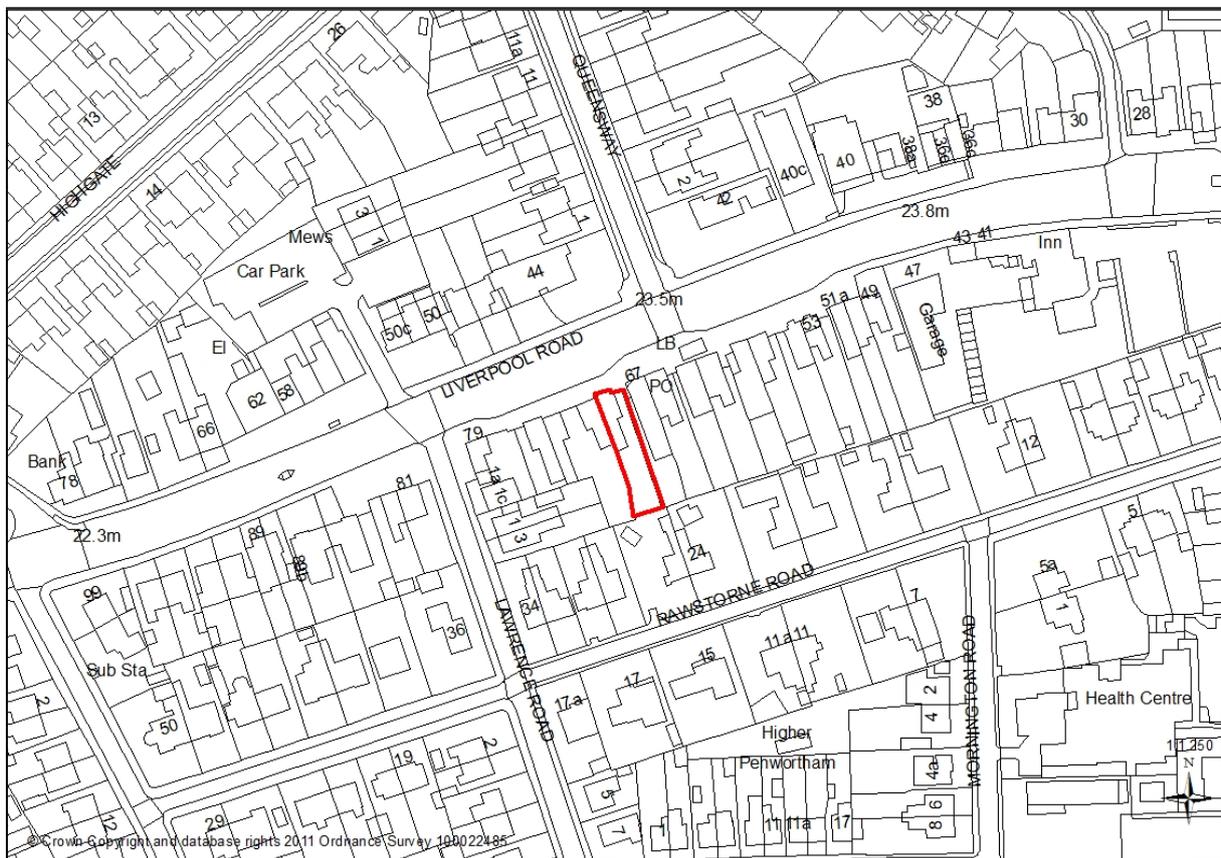
Address 69 Liverpool Road
Penwortham
Preston
Lancashire
PR1 9XD

Applicant Mr Jason Colles

Development Change of use from Class A2 (Financial and professional services) to Class A4 (Drinking establishment)

Officer Recommendation **Approval with Conditions**
Officer Name **Mr Mike Davies**

Date application valid 09.10.2017
Target Determination Date 04.12.2017
Extension of Time None



1. REPORT SUMMARY

1.1 The proposal involves the change of use of a former craft workshop on the main road through Penwortham district centre into a drinking establishment. The premises are intended to be a craft ales bar and are aimed at attracting a local clientele.

1.2 There have been issues in the vicinity in relation to late night uses and residential amenity is a significant consideration in relation to the appropriateness of this proposal. However, given the district centre location of the site on a main road it is considered an appropriate use subject to the imposition of conditions to protect the amenities of nearby residents.

2. APPLICATION SITE AND SURROUNDING AREA

2.1 The site is a semi – detached property situated on the main road (A59). The property consists of a vacant ground floor unit (Class A2) with an accountant's office above at first floor level Class A2). The adjoining property is occupied by the Yorkshire Building Society as a branch office (Class A2) and the upper floor of this property is also not occupied. To the rear is a car parking area, which also acts as a service yard for several commercial properties fronting onto the main road. Immediately behind the car park are gardens of residential properties.

2.2 The site is allocated within E4 District Centres on the Local Plan Policies Map.

3. SITE HISTORY

3.1 There is no relevant planning history in relation to the premises.

4. PROPOSAL

4.1 The proposal is to change the use of the ground floor unit which formerly operated as an Arts, Crafts and Creative workshop and teaching facility (Class A2) into a drinking establishment (Class A4)

5. REPRESENTATIONS

5.1 Two representations have been received from local residents in relation to this proposal. The objectors raised the following concerns in relation to the proposal.

- Noise Disturbance
- Smell
- Lighting
- Proliferation of non-retail uses (licensed premises, charity shops, hot food take-aways, hairdressers and tea rooms – need for more proper shops).

6. CONSULTATION REPLIES

6.1 Designing Out Crime Officer - Lancashire Constabulary – In the last 12 month period **11/10/2016-11/10/2017** the crimes recorded in the area around this site include robbery, burglary, criminal damage and assault. Licensed premises can be targeted for crimes such as burglary and robbery as well as the risk of incidents of disorder breaking out without warning when people gather whilst or after consuming alcohol. The security measures for this scheme must adequately address that risk in order to keep people safe and feeling safe whilst reducing demand and calls for service on local policing resources.

6.2 This proposal has been discussed with the Lancashire Constabulary Licensing Team for this area and should this application progress through the planning process operating

matters such as the opening times and details around the sale of alcoholic beverages would need to be addressed with them.

6.3 A number of recommendations have been made in relation to security measures relating to the physical security of the building and these have been forwarded onto the applicant.

6.4 Environmental Health – Subject to the imposition of a number of conditions it is considered that the use will not unduly impact on the amenities of the locality. The proposed conditions relate to opening hours, noise insulation, entertainment and use of outdoor areas as well as servicing and storage arrangements.

6.5 Lancashire County Highways Engineer – No objections

7. MATERIAL CONSIDERATIONS

7.1 NPPF

7.1.1 The National Planning Policy Framework advocates a presumption in favour of sustainable development. Core Principle 2 – Ensuring the Vitality of town centres (paragraph 23), Core Principle 7 – Requiring Good Design (paragraphs 56 – 58) and Core Principle 8 – Promoting healthy communities (paragraphs 69 & 70) are relevant to the consideration of this application.

7.1.2 Paragraph 23 states planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres. Local Planning authorities should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality; define a network and hierarchy of centres that is resilient to anticipated future economic changes; define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations; promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres.

7.1.3 Paragraphs 56 – 58 state that good design is a key aspect of sustainable development and should contribute positively to making better places for people. It is important to plan positively for high quality and inclusive design in all development. Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area.

7.1.4 Planning policies and decisions should aim to ensure that developments: will function well and add to the overall quality of the area, establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities, create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

7.1.5 Paragraph 69 & 70 identifies the planning system playing an important role in facilitating social interaction and creating healthy, inclusive communities. Planning policies and decisions, in turn, should aim to achieve places which promote: opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity; safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and safe and accessible developments that encourage the active and continual use of public areas.

7.1.6 To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs; ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.

7.2 Core Strategy

7.2.1 Policy 11 of the Core Strategy states that 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 and assists in maintaining its existing retail function. Retail and town centre uses will be delivered by maintain, improving and controlling the mix of uses in existing district centres, so as to appropriately serve local needs.

7.2.2 Policy 26 of the Core Strategy addresses crime and community safety by promoting working with the police, community safety partnerships and other agencies to co-ordinate analysis and action. Encouraging the inclusion of Secured by Design principles as well as aiming to achieve a complementary mix use of uses in key service centres with appropriate controls over entertainment uses, taking account of the local authorities' Statement of Licensing policies.

7.3 South Ribble Local Plan 2012 - 2026

7.3.1 Policy E4 of the Local Plan relates to protecting and enhancing to maintain the vitality and viability of existing defined district centres. The policy states that planning permission will be granted for new buildings, redevelopment of existing sites, extensions to, or change of use of existing buildings for A1 (Retail Uses) which will be encouraged to achieve a minimum of 60% of the overall units within district centre locations and A3 (Café and Restaurants) 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.

7.3.2 Policy 17 of the Core Strategy and Policy G17 of the Local Plan set out design parameters for new development should aim to achieve. These include making a positive contribution to the street scene, not impacting prejudicially on highway and pedestrian safety, being sympathetic to surrounding land uses and occupiers, avoiding demonstrable harm to the amenities of the local area, minimising opportunities for crime and maximising natural surveillance, making provision for the needs of all sections of the community such as the elderly and those with disabilities.

7.4 Penwortham Neighbourhood Plan

7.4.1 The Penwortham Neighbourhood Plan reinforces Policy E4 of the Local Plan in seeking to control the over proliferation on non-retail uses in the district centre at the expense of the retail offer. The plan acknowledges that it is important for the vitality and viability of the centre to have a strong retail character and appearance.

7.4.2 From a policy perspective it is important to ensure that the district centre retains a healthy and balanced retail offer alongside other complimentary uses such as that proposed. In this particular case the property in question was previously in use as an arts and crafts workshop teaching various skills and as such the proposal will have no impact in terms of reducing the current retail offer in the district centre as the premises were not previously in retail use.

7.5 Amenity

7.5.1 The proposal seeks consent to open the premises between 11.00 and 23.00 hours Monday to Friday 11.00 to 00.00 hours on a Saturday and 12.00 to 22.30 hours on Sundays. Within the Penwortham District Centre there are already several other venues operating similar hours. Having raised the issue with the applicant in relation to drinking up time he is comfortable with the hours applied for and these will be replicated in the licensing application so that any planning permission or license granted is consistent with the other.

7.5.2 There is an existing car parking area to the rear of the site which abuts the gardens of adjoining residential properties. The car park serves existing commercial premises which front onto Liverpool Road including Papa John's Pizza Shop which opens late into the evening and also operates a delivery service to customers from the premises.

7.5.3 The issue of an outdoor smoking area has been raised with the applicant as the submitted proposals do not indicate what provision is intended to be made to accommodate patrons who may wish to smoke. The applicant has indicated that his preference would be to accommodate any outdoor smoking area to the side of the premises as it would provide a comfortable area for those wishing to smoke whilst having no impact on the non-smokers entering and leaving the premises via the front entrance. As this area is to the side of the building it would have minimal impact on adjoining residents as the building would act as a screen. Locating the smoking area here would also deter people smoking in front of the premises. The applicant has indicated that he is keen to work with the Council to find an acceptable solution and therefore the details of this could be dealt with via condition.

7.5.4 The issue of an outdoor drinking area has also been raised and the applicant has indicated that subject to agreement he would prefer to locate this on the private forecourt in front of the premises to minimise any disturbance to neighbours. Again details in relation to this area can be dealt with via the imposition of an appropriate condition.

7.5.5 With regards to entertainment, the applicant has indicated that due to the type of business and the atmosphere he wishes to create he anticipates a need for low amplified background music. It is his intension that customers will be able to have conversations on the premises and the music will be at a level to facilitate this. However, the applicant has indicated that as the aim is to be a community based establishment he would encourage local, live singers and musicians at the weekends within reasonable time constraints and due consideration to local residents. Again this could be controlled by the imposition of appropriate planning conditions as well as through licensing.

7.5.6 It is not intended that any brewing will take place on the premises and the applicant has confirmed this in writing. As this issue was raised as a source of concern by a resident, it is considered that this issue can again be dealt with via a condition prohibiting such processes taking place on site.

7.5.7 Clearly, impact on the amenities of surrounding neighbours and the locality is an important consideration in such cases and often it is how the premises are managed rather than the actual use itself, which can cause problems. There is a fine balance to be struck between supporting new local businesses and protecting the amenities of existing residents. Given the proposed hours of operation and how the applicant envisages operating it is not considered that the use of the premises given their size will have any significant detrimental impact on the amenities of local residents provided appropriate conditions are imposed and these are adhered to by the applicant. The applicant has shown a willingness to engage and is agreeable to the recommended conditions being attached to any planning permission granted. It is considered that this will allow the premises to operate in the manner the applicant envisages without any detrimental impact to others in the locality.

7.6 Servicing

7.6.1 No deliveries or collections to the premises will take place outside normal working hours. Storage of crates, barrels and bottles will be in a secure, contained area at the rear of

the premises. The issue of waste disposal has been raised with the applicant who will make arrangement appropriate arrangements for the safe disposal of commercial waste. Details of this can be agreed via condition prior to occupation.

7.7 Crime and Security

7.7.1 Whilst, a number of recommendations have been made by Lancashire Constabulary in relation to the physical security of the premises the implementation of these is not something that the Local Planning Authority can control through the imposition of conditions as they involve fitting internal security systems. Any conditions imposed on a planning permission need to satisfy the six tests laid out in paragraph 206 of the NPPF which are necessity, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

7.7.2 As stated above the security recommendations have been forwarded to the applicant and an informative drawing the applicant's attention to them can be attached to any subsequent planning permission granted.

7.8 Other Issues

7.8.1 The submission was not clear in relation to maintaining access to the upper floor and also how this would continue to be used if at all. The applicant has indicated that the existing staircase will not be removed as it is accessed from a separate door located at the front of the property. The upper floor is not part of the proposal and is leased separately by an accountant. The proposal includes plans to reconfigure under the stairs, taking away a small wall to widen the doorway through to the rear of the property and thus making better use of the available space.

8. CONCLUSIONS

8.1 Having regard to the location of the premises in a district centre and all material considerations it is considered that the change of use of the ground floor of the premises from an Arts & Craft workshop (class A2) to a Drinking Establishment (Class A4) is appropriate. Whilst, there have been issues in regard to other late night premises in the locality these issues have arisen due to the management of the premises rather than the actual use. It is therefore important that a distinction is drawn between the use itself and how it is managed in the future. For this reason it is proposed to impose conditions on any consent granted to ensure that the amenities of the neighbourhood are protected and provided these are adhered to, then it is considered that the proposal will positively contribute to the offer of the district centre.

RECOMMENDATION:

Approval with Conditions.

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 001 and 002

REASON: For the avoidance of doubt and to ensure a satisfactory standard of development

3. The development hereby permitted shall not be occupied until a scheme showing the provisions to be made for external lighting, CCTV coverage, access control, and any other measures to reduce the risk of crime, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented. Thereafter the approved measures shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to provide a good standard of security to future occupants and visitors to the site and to reduce the risk of crime in accordance with Policy 17 and 26 of the Central Lancashire Core Strategy and Central Lancashire Design Guide Supplementary Planning Document (Adopted October 2012).

4. The premises hereby approved, shall not be open to customers outside the hours of 1100 hrs to 2300 hrs Monday to Friday, 1100 to Midnight Saturday and 1200 hrs to 2230 hrs on Sunday, Bank or Public Holidays unless otherwise agreed in writing with the Local Planning Authority

REASON: In the interests of the amenity of nearby residential properties in accordance with Policy 17 in the Central Lancashire Core Strategy

5. The development hereby approved shall not be brought into use until details of facilities for the storage of refuse and waste materials have been submitted to and approved by the Local Planning Authority and completed entirely in accordance with the approved scheme. The approved facility shall be retained thereafter unless otherwise agreed in writing with the Local Planning Authority.

REASON: To safeguard the character and visual appearance of the area and to safeguard the living conditions of any nearby residents particularly with regard to odours and/or disturbance in accordance with Policy 27 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026

6. There shall be no external speakers, floodlighting or patio heaters installed in the outside area without prior written consent of the Local Planning Authority.

REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 in the Central Lancashire Core Strategy.

7. Details of the smoking shelter provision must be submitted and approved prior to occupation and thereafter implemented and retained in accordance with the approved details. It must not be used by customers to consume food or drink to ensure that patrons do not cause nuisance to nearby residential properties.

REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 in the Central Lancashire Core Strategy.

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: 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

9. All external doors shall be fitted with self-closers and rear doors and windows shall remain closed throughout the opening times of the premises (except for emergencies). External use shall be restricted to the hours 11:00 to 22:00 Monday to Saturday and 12:00 and 21:00 on Sundays and Bank Holidays.

REASON: To safeguard the amenities of nearby residents particularly with regard to the effect of noise in accordance with Policy 17 in the Central Lancashire Core Strategy

10. There shall be no live or recorded entertainment music played at the property.

REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy

11. Times of deliveries shall be restricted to between 09:00hrs and 17:00 hrs.

REASON: In the interests of residential amenity and highway safety and to be in accordance with Policy G17 in the South Ribble Local Plan 2012-2026

12. There shall be no waste collection between the hours of 19:00hrs and 07:30hrs Monday to Friday. No waste collection on Saturdays, Sundays or Bank Holidays.

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 2012-2026

13. Any construction works associated with the development shall not take place except between the hours of: 0800 hrs to 1800 hrs Monday to Friday and 0800 hrs to 1300 hrs Saturday. No construction works shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing with the Local Planning Authority.

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

14. No deliveries of construction materials or removal of construction waste shall be undertaken outside the hours of 09:00 - 17:00 Monday to Friday. No deliveries or removal of waste shall be carried out at weekends or nationally recognised Bank Holidays.

REASON: To safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy

RELEVANT POLICY

NPPF - National Planning Policy Framework

Core Strategy Policy 11 - Retail and Town Centre Uses and Business Based Tourism

Core Strategy Policy 17 - Design of New Buildings

Core Strategy Policy 26 - Crime and Community Safety

South Ribble Local Plan Policy E4 - District Centres

South Ribble Local Plan Policy G17 - Design Criteria for New Development

PEN - Penwortham Neighbourhood Development Plan

Note:

Other application Informative

1. Attention is drawn to the condition(s) attached to this planning permission. In order to discharge these conditions an Application for Approval of Details Reserved by Condition form must be submitted, together with details required by each condition imposed. The fee for such an application is £97. The forms can be found on South Ribble Borough Council's website www.southribble.gov.uk

2. Condition 10. Does not apply to incidental music as determined under the Licensing Act 2003 or any regulations there under.
