

**Application Number** 07/2021/00244/FUL

**Address**  
2 Slater Lane  
Moss Side  
Leyland  
Lancashire  
PR25 1TL

**Applicant** Mr Li Hua Shi

**Agent**  
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3 Colman Gardens  
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M5 3NT  
United Kingdom

**Development** Change of use from (Drinking Establishment) to hot food takeaway (Sui Generis use class) at ground floor, with managers flat at first floor (Class C3). Installation of extraction equipment on side elevation.

**Officer Recommendation** **Approval with Conditions**  
**Officer Name** **Mrs Debbie Roberts**

Date application valid 16.03.2021  
Target Determination Date 14.07.2021  
Extension of Time 14.07.2021



## **1. Report Summary**

1.1. The application proposed change of use of the Original Seven Stars public house in Leyland to A5 hot food takeaway; proposed as, but not restricted by any permission which may be granted to 'Kimbo Gardens' Chinese food. Minimal changes are proposed to the inside of the building which retains very little of the original, but a new opening would be formed into the side facing front elevation, and extraction pipes located on this side. Advertisement consent has been granted by a separate application

1.2. Although the property is a historic building it is not nationally or locally listed, and neither Historic England or the County Archaeologist have concerns relating to the proposal. Lancashire Constabulary have not responded – not unusual if there are no comments to make, and LCC Highways are satisfied that private and public parking in the immediate area is adequate. Extraction equipment will be visually impactful on such a prominent corner, and would be better placed at the rear, but the sites layout does not allow for that. Extraction however would not be dissimilar to other properties in what realistically is a commercial retail area.

1.3. In response to two rounds of publicity 5 letters of representation have been received in objection Comments raised by statutory consultees have been dealt with either by amendments to the scheme or by condition

1.4. In policy and spatial separation terms the proposal is considered compliant, and having regard to the comments of statutory bodies and the above commentary, it is recommended that the application should be **approved subject to the imposition of conditions**

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

2.1. The application refers to the former Original Seven Stars (2 Slater Lane), Leyland, an established public house which until 2020 was in the A4 (drinking establishment) use class. Use classes have since changed and the property is now within the Sui Generis use class. Movement between uses in this class is not permitted without planning permission.

2.2. The property and its small car park sit at the junction of Slater and Leyland Lanes. West is a hairdressing salon beyond which is alleyway access to Grove Street. Residential properties off Grove Street, and the side/rears of no's 334-344 Leyland Lane run along the rear and eastern side. Facing across Slater Lane are St Anne's Primary School and a number of commercial premises.

2.3. The building – despite its age – is not nationally listed and is not afforded any statutory heritage protection. Historic, and more recent works to the property have resulted in the loss of almost all original fabric other than the datestone which has been painted over but retained. The property was also recently removed from the register of Assets of Community Value (see Para 8.2.2.2 below). Two Historic Environment Records however are noted on the site – the datestone (1686) above the front door and the car park/Grove Terrace which is the site of the original Ffarington alms houses.

2.4. The site and wider mixed residential/commercial area is allocated by the South Ribble Local Plan 2012-2026 as 'Seven Stars Local Centre' to which Policy E5 refers. The area also sits within Flood Zone 2 (moderate chance of flooding)

## **3. Site Context / Planning History**

- ② 07/1976/0594 – Garage. Approved August 1976
- ② 07/1984/0168 – Internal illuminated box sign. Consent granted April 1984
- ② 07/1987/0311 – Advertisement. Consent granted July 1987

## 4. **Proposal**

4.1. The Property was formerly the Old Original Seven Stars, but the pub has since closed. The applicant seeks permission for a change of use from A4 (drinking establishments) to A5 (takeaway) – now Drinking Establishment (Sui Generis) to (Hot Food Takeaway (Sui Generis) class.

4.2. The applicants statement notes that the applicant means to open a Chinese food takeaway with the name “Kimbo Gardens”; its aim being to *‘bring healthy Chinese cuisine to the area’*. The upper floor will serve as a residence for the new owner.

4.3. Minimal, non-invasive internal alteration would be required - a small section of original wall would be removed to make way for kitchen adaptations and a new WC installed into a rear room. The external façade shall remain unchanged, although a window would be removed to provide for a new, side facing external access adjacent to the main door. Proposals do not appear to impact upon the original features of the property

4.4. Two extraction stacks with silencers are proposed on the eastern side facing Leyland Lane above an existing extension. The smaller stack would rise to just under the eaves, but the larger with cowelled top would be level with the existing chimney stack. Presence of stacks will considerably alter the eastern elevation which faces the main shopping area. Parking is also proposed on this side in a small private car park which could accommodate approximately 6 spaces. Some off-road parking is also possible on Leyland Lane and a public car park is located 150m north-east

4.5. Advertisement is shown on proposal drawings but has been assessed by a separate delegated application.

## 5. **Summary of Supporting Documents**

5.1. The application is accompanied by the following:

- ☒ Existing floor plans and elevations (001, 002, 003, 004 & 005 Mason & Marlowe)
- ☒ Site and location plans (22.2.21)
- ☒ Proposed floor plans and elevation (006, 007, 008, 009 & 010Mason & Marlowe)
- ☒ Proposed elevation showing extraction 28.5.21 (Mason Marlowe)
- ☒ Design & Access Statement (Mason & Marlowe)
- ☒ Acoustic Statement (Braiden 10908/A/27.421)
- ☒ Odour assessment (Redmore 4612r1: 21.5.21)
- ☒ Technical specifications
  - o TCBB Fan
  - o JM Aerofoil
  - o Electrostatic precipitators
  - o Merlin CT1250
  - o Elta fan silencer
  - o Extraction system (Ideal)

## 6. **Representations**

6.1. **Summary of Publicity**

6.1.1.A site notice has been posted, and 33 neighbouring properties consulted. Ward Councillors Evans and Sharples have also been notified

## 6.2. Letters of Objection

6.2.1.5 letters of objection have been received. Comments made are

- ☒ Potential for anti-social behaviour
- ☒ Litter
- ☒ Parking issues in an already congested area

*Officer note:* - whilst these are valid comments, Members need to consider whether they are so different to the existing use (public house) that impact as a result would increase to unacceptable levels

A number of comments have also been made but these are not material planning considerations, and as such have not been taken into account:

- ☒ Impact of Covid-19 on existing businesses and costs
- ☒ Too many takeaways in the area – unacceptable competition of new business.

## 7. Summary of Responses

7.1. **Lancashire County Council Highways** has no objections to the proposal

7.2. **Environmental Health** originally objected to the application as it had the potential to adversely affect neighbouring properties by way of noise and odour; Chinese food being exceptionally odorous. The applicant has since supplied revised drawings, odour and noise assessments and technical specifications of mechanical equipment, which subject to conditions are now acceptable. A precautionary condition to restrict the first floor apartment to an employee of the business is also felt necessary to prevent loss of amenity to future occupants

7.3. **Lancashire Archaeology** - the current buildings of the Original Seven Stars appear to be of late C19<sup>th</sup> origin. Archaeology do not consider any archaeological response is required to the current proposals.

7.4. **Historic England** - on the basis of the information available to date, in HE's view they did not wish to be consulted

7.5. **Environment Agency and Lancashire Constabulary** have been contacted but have not responded. Both only reply when they have anything relevant to say

## 8. Material Considerations

8.1. Site Allocation Policy/ Retail Position

8.1.1. The site and its immediate surroundings are allocated by the South Ribble Local Plan 2012-2026 as 'Seven Stars Local Centre' to which Policy E5 refers. E5 in conjunction with Central Lancashire Core Strategy Policy 11 states that the Council will maintain, improve and control the mix of uses in the existing District and Local Centres so as to appropriately serve local needs. Local Centres play an important role in the borough's retail hierarchy, and the scale and type of development in a Local Centre needs to relate directly to the role and function of that centre.

8.1.2. A1 (Retail) uses will be protected and enhanced to maintain a minimum of 60% retail premises, and the provision of living accommodation on the upper floors of buildings will be encouraged so as to make good use of these upper storeys. Other 'A' class uses – primarily A2 (Financial/Professional), A3 (Café/Restaurant) and A4 (Drinking Establishment) uses, may also be appropriate where it does not undermine the sustainability of the shopping offer.

8.1.3. The most recent South Ribble Retail Position Statement notes that in the Seven Stars Local Centre there are 61% of units in A1 use, with 3% of vacant properties which potentially could be used for retail. As the existing building is an A4 Class (Drinking Establishment) property and would not remove a retail unit there is no evident detriment in retail terms. It would however offer first floor accommodation, and would enhance the wider area by removing a vacant property from a prominent location within the local centre. From a site allocation perspective, the proposal is considered acceptable.

## 8.2. Additional Policy Background

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

### **8.2.1. National Planning Policy Framework (2018)**

8.2.1.1. Chapter 6. Building a strong, competitive economy - Planning should help create conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

8.2.1.2. Chapter 7. Ensuring the vitality of town centres - planning should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should define a hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes, allows a suitable mix of uses and reflects their distinctive characters

### **8.2.2. South Ribble Local Plan**

8.2.2.1. Policy G17 (Design) of the same document attaches great importance to the design of the built environment, requiring proposals to take account of the character, appearance and amenity of the local area, and to highways and pedestrian safety.

8.2.2.2. *Assets of Community Value* - In accordance with the Asset of Community Value Regulations 2012, local community groups have the right to nominate a building for listing by the council as an 'asset of community value'. This gives local community groups a fairer chance to bid for properties when they come up for sale, or the chance for a Council to compulsory purchase in order to retain its community benefit. Buildings remain on the ACV list for 5 years, but it is for the local authority to decide whether to list an ACV. The owner of an ACV must inform the local authority if they wish to sell the asset, and if a qualifying community group wants to buy this triggers a moratorium on sales for six months. The owner however does not have to sell to a community group or at a discount. The Councils legal team have confirmed that the property was added to the ACV register at the request of CAMRA (Campaign for Real Ale) in 2017 but removed following relevant disposal in May 2019.

## 8.3. Other Material Considerations

### **8.3.1. Character and Appearance, and Impact Upon Neighbouring Properties**

8.3.1.1. The proposal will allow for re-use and renovation of an empty building in a prominent position within the local retail centre. Changes to both outside and interior are minimal other than for erection of proposed extraction infrastructure. The need for extraction for the premises in order to maintain a commercial presence however needs to be balanced against any negative impact. The proposal would also allow for continued use and local employment but in a different form. The existing first floor may already be used as living accommodation and in that respect nothing would change. The proposed extraction pipes on the side elevation will undoubtedly be prominent, but internal layout of the building does not allow for its relocation, and the area is primarily a commercial retail centre where examples of the same equipment can be found on other premises.

The applicant has explored options for re-location but this is not possible. Without some compromise the building may remain empty and become dishevelled, so on balance whilst there would be some impact upon the character and appearance of the area, it is felt to be within acceptable levels

8.3.1.2. Neighbouring properties on the Leyland Lane terrace are attached in the east with those across Leyland Lane being 70m away. The closes west is 10m from the side elevation and dwellings on Grove Street are 40m away beyond a small yard. Although in fairly close proximity, the area is a local retail centre and use of the property and the proposed use would be similar to that of a public house; opening hours can be secured by condition. Extraction, ventilation and refrigeration equipment are visually imposing on the side elevation but to be expected in a retail area and would be equally as prominent on the opposite side elevation.

8.3.1.3. Concerns have been raised about the proximity of the use to a school, but this is the case with many of the Boroughs retail centres, and as the school is a primary school an element of parental control is to be expected.

### 8.3.2. **Highways/Parking**

8.3.2.1. Local Plan Policy F1 requires that all development provides off road parking to adopted standards, but this may be reduced where the proposal is in a sustainable location within easy reach of public transport or car parking. The car park adjacent is able to accommodate approx. 6 vehicles with access and egress from both Slater and Leyland Lanes. LCC Highways have no objection

### 8.3.3. **Flood Prevention**

8.3.3.1 The Seven Stars area sits within Flood Zone 2, and as such the application is accompanied by a Flood Risk Assessment. The proposal however will not introduce more vulnerable accommodation, and the Environment Agency have not commented

### 8.3.4. **Historic Interest**

8.3.4.1. Although the existing building is not nationally listed it does date from 1686 and has some local importance. Historic Environment Records PRN1464 (1686 datestone) and PRN1465 (location of former Ffarington alms houses) are also associated with the site. As such Historic England and the County Archaeologist have been consulted. Development is not expected to involve ground disturbance or to impact significantly on the fabric of the building and on initial inspection the building has been developed in such a way that it is unlikely to retain anything of historic merit. HE was approached several years ago to enquire why the property was not listed and if it should be, but they are of the same opinion that the fabric which remains is limited and unworthy of protection. A condition to retain the original datestone is recommended

## 9. **Conclusion**

9.1. In policy and spatial separation terms the proposal is on balance considered compliant, and having regard to the comments of statutory bodies and the above commentary, it is recommended that the application should be **approved subject to the imposition of conditions**

### **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 following approved plans and suite of documents:
  - o Existing floor plans and elevations (001, 002, 003, 004 & 005 Mason & Marlowe)
  - o Site and location plans (22.2.21)
  - o Proposed floor plans and elevation (006, 007, 008, 009 & 010Mason & Marlowe)
  - o Proposed elevation showing extraction 28.5.21 (Mason Marlowe)
  - o Design & Access Statement (Mason & Marlowe)
  - o Acoustic Statement (Braiden 10908/A/27.421)
  - o Odour assessment (Redmore 4612r1: 21.5.21)
  - o Technical specifications
  - o TCBB Fan
  - o JM Aerofoil
  - o Electrostatic precipitators
  - o Merlin CT1250
  - o Elta fan silencer
  - o Extraction system (Ideal)REASON: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with Policy 17 of the Central Lancashire Core Strategy and Local Plan 2012-2026 Policy G17
  
3. The premises hereby approved, shall not be open to customers outside the hours of 0900 hrs to 2300 hrs Monday to Saturday and 1000 hrs to 2300 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
  
4. No machinery shall be operated, no process carried out and no deliveries taken at or dispatched from the site during construction, demolition or clearance of the site outside the following times:  
0800 hrs to 1800 hrs Monday to Friday  
0800 hrs to 1300 hrs Saturday  
No activities shall take place on Sundays, Bank or Public Holidays.  
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
  
5. Notwithstanding the provision of the Town and Country Planning (Use Classes) Order 1987 (as amended) Paragraph 3(1) or any provision equivalent to this in any statutory instrument revoking and re-enacting this Order, the use of the premises shall be restricted to the use applied for (hot food takeaway) unless the prior consent of the Local Planning Authority is obtained.  
REASON: To enable the Local Planning Authority to retain control over the impact of the development on residential amenity and/or highway safety in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026
  
6. Prior to the commencement of the development extraction, refrigeration and external ventilation stacks as identified by approved plans and technical specifications shall be fully implemented and further assessment of the extraction system including calculations shall be provided in writing to the local planning authority. Once agreed, the approved scheme

shall thereafter be retained and maintained in efficient working order for the duration of the approved use. No changes to agreed mechanical plant or technical specification shall be made without the prior written agreement of the local planning authority.

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.

7. The occupation of the first floor flat shall be limited to a person solely or mainly employed by the business hereby approved, including a dependent of such a person residing with him/her.

REASON: To safeguard the living conditions of any future occupants of the flat hereby approved particularly with regard to the effects of noise in accordance with Policy 17 in the Central Lancashire Core Strategy

8. That the datestone above the original entrance door (front elevation) shall remain in situ, and if removed to accommodate construction shall as soon as practical and prior to first occupation be reinstated unless otherwise agreed in writing with the Local Planning Authority

REASON: To safeguard matters of archaeological and/or historical importance associated with the building/site in accordance with Policy 16 of the Central Lancashire Core Strategy.

## **RELEVANT POLICY**

### **National Planning Policy Framework**

#### **Central Lancashire Core Strategy**

3 Travel

#### **South Ribble Local Plan 2012-2026**

E5 Local Centres

F1 Car Parking

G17 Design Criteria for New Development

### **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 £116. The forms can be found on South Ribble Borough Council's website [www.southribble.gov.uk](http://www.southribble.gov.uk)