

Application Number 07/2021/00708/FUL

Address 8 Hope Terrace
Lostock Hall
Preston
Lancashire
PR5 5RU

Applicant Lostock Ale Company

Development Change of use of ground floor of No 8 from Retail to Drinking Establishment (Sui Generis) and the formation of internal connection from No 7

Officer Recommendation **Approval with Conditions**

Date application valid 01.07.2021
Target Determination Date 26.08.2021
Extension of Time

Location Plan



1. Report Summary

1.1 The application site is within the Lostock Hall District Centre and the application proposes a change of use from a retail premises to a drinking establishment. Whilst it is accepted that the proposed change of use reduces the number of retail establishments in the District Centre, Policy E4 does allow for such changes and, on balance, it is considered the proposal will not harm the vitality and viability of the district centre and brings a vacant unit back into use.

1.2 In terms of residential amenity, any impact in terms of noise and disturbance to neighbouring residential properties can be mitigated and conditions are proposed to address such matter.

1.3 The application is therefore recommended for approval.

2. Site and Surrounding Area

2.1 The application relates to a retail premises at 8 Hope Terrace in Lostock Hall formerly a charity shop. The site is within a terrace of commercial properties within the Lostock Hall District Centre. There is a public car park to the rear, a pedestrianised area to the front and opposite is the Pleasant Retreat public house.

3 Planning History

- 07/1985/0172 Change of use of dwelling to offices and extensions for office purposes with formation of first floor flat. APV 12/06/1985
- 07/1990/0475 Change of Use from Flat and Office to Flat and Shop with Rear Ground Floor Extension. APV 01/08/1990
- 07/2021/00708/FUL Change of use of ground floor of No 8 from Retail to Drinking Establishment (Sui Generis) and the formation of internal connection from No 7
- 07/1997/0665 Erection of First Floor Extensions to the Rear of 8 and 9 Hope Terrace to Form Two Self Contained Flats. APV 19/11/1997
- Also of relevance is planning application 07/2019/8975/FUL relating to 7 Hope Terrace for a change of use from (Class A1) Retail to (Class A4) Drinking Establishment with external alterations APC 16/01/2020

4 Proposal

4.1 The application proposes the change of use of the ground floor of a retail premises to a drinking establishment which is now a Sui Generis Use Class. This will be associated with the adjacent property at 7 Hope Terrace which is operated as Lostock Ale. External alterations are proposed with a new window to the front elevation to match the adjacent property at 7 Hope Terrace. To the rear a window is to be removed and built up and finished in render to match the existing. Internally, an access will be formed from the adjacent unit at 7 Hope Terrace and a storeroom will be formed to the rear of the ground floor space. An existing small 'back room' will be removed and a doorway from the main front entrance in to the ground floor will be closed off and boarded with the front entrance door being for use of the first floor flat only

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 **Environmental Health** advise that above the ground floor of 8 Hope Terrace is a domestic flat the amenity of which may be adversely affected by the change of use from a predominantly day time operated business with few staff and single customers spread throughout the hours of operation to a night time operated business with customers potentially in groups and in drink. The character and impact of the changes arising from this proposal upon neighbouring domestic premises may be significant unless suitable conditions are applied and even then there is more than likely to be some loss of amenity to the occupier of the flat directly above.

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 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 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

7.3 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

8 Material Considerations

8.1 Impact on District Centre

8.1.1 The proposal is for the change of use of the existing retail premises, formerly a charity shop run by Age Concern, to a drinking establishment. As the site is within the Lostock Hall District Centre, Policy E4 is applicable. This policy seeks to protect and enhance the district centres to maintain their vitality and viability. The policy specifies that planning permission will be granted for, among other things, the change of use for A1 Retail Use, which will be encouraged to achieve a minimum of 60% of the overall units. However, it also allows for change of use to A4 Drinking Establishments (now Sui Generis) where this would not harm the sustainability of the shopping area.

8.1.2 It is considered that this policy's requirements are somewhat outdated now given the current economic climate and the trend for on-line shopping. It is considered that the proposed change of use will not harm the sustainability of the shopping area, particularly given this current retail climate and it is preferable to have a property in use rather than remaining vacant and recognising that Policy E4 does allow for such changes of use.

8.2 Impact of External Alterations

8.2.1 In terms of the external alterations, the proposal is to remove a window to the rear and block up and finish in matching render. To the front, the existing entrance door to the first-floor flat is to remain but access into the ground floor will be closed off. A new window will be fitted to match the adjacent property, giving the two properties a uniform appearance.

8.2.2 The proposed alterations are considered acceptable and in keeping with the District Centre in which the property is located.

8.3 Impact on Residential Amenity

8.3.1 Some of the properties along Hope Terrace have first floor residential accommodation and 8a Hope Terrace is above the application premises. Therefore, there is the potential for the proposal to impact on the residential amenity of occupants of the apartment. The proposed change of use to a drinking establishment has the potential to create noise and disturbance to neighbouring residents. This is discussed further below in the noise section of this report.

8.4 Noise

8.4.1 Environmental Health advise that above the ground floor of 8 Hope Terrace is a domestic flat the amenity of which may be adversely affected by the change of use from a predominantly day time operated business with few staff and single customers spread throughout the hours of operation to a night time operated business with customers potentially in groups and in drink. The character and impact of the changes arising from this proposal upon neighbouring domestic premises may be significant unless suitable conditions are applied and even then there is more than likely to be some loss of amenity to the occupier of the flat directly above.

8.4.2 Therefore, in terms of noise, they require a condition be imposed that, prior to the commencement of any works on site, details be submitted of the works to be undertaken to the property to prevent sound transference from the ground floor commercial unit to the first floor flat or vice versa. Following agreement, the measures should be implemented and once complete an acoustic insulation test shall be undertaken in line with ISO 140-4 (airborne sound insulation test) and ISO 140-7 (impact sound insulation test) to confirm the levels design have been achieved. If following the testing of the insulation the design insulation levels have not been achieved further work shall be undertaken with re-testing until the levels have been achieved. A report would then need to be submitted for approval and discharge of the condition prior to occupation of the building.

8.4.3 Environmental Health require, as a minimum, the following to be achieved:

Impact sound: <60dB L'nT,w

Airborne sound: >55dB DnT,w +Ctr

8.4.4 Environmental Health also require conditions to be imposed to restrict the hours deliveries may take place; to restrict when waste, including empty bottles, can be removed from the premises (taken outside the building); when waste collections can occur and for details of any extraction/ventilation/refrigeration systems to be submitted should these be required. Any extraction/ventilation system would need to be designed to ensure the following standards are achieved:

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).

8.4.5 However, on checking the premises licence for Lostock Ale, it is noted that the following apply:

9. All doors/windows to the premises shall remain closed during opening hours save for access and egress.

12. There shall be no deliveries or waste collection between 1900 hours and 0800 hours Monday to Friday and no deliveries or waste collection on Saturdays, Sundays or Bank Holidays.

13. Prior to the commencement of the development full details of the waste storage facilities shall be submitted to and approved in writing by the licensing authority. The waste storage area shall provide effective and sufficient storage facilities for refuse and to safeguard amenities and living conditions of any nearby residents particularly with regards to odour,

noise and insects. Access to the bin store shall only be used between the hours of 1100 hours to 2200 Monday to Saturday and 1100 to 2100 hours Sunday and Bank Holidays.

8.4.6 Therefore, it is not considered necessary to impose conditions relating to these matters as they are covered under the terms of the licence.

8.5 Access and Parking

8.5.1 The application site is within the Tardy Gate District Centre. The front of the application site is pedestrianised with a large public car park located to the rear. Therefore, the application site is considered to be within a highly sustainable location with good access to public transport and with a large population within easy walking distance. Both Policy F1 and Policy G17 allow for flexibility in the parking standards relation to the specific local circumstances and proximity to public car parks.

9 Conclusion

9.1 The proposal to extend the existing Lostock Ale premises into the adjacent premises will allow for the expansion of this existing business and bring a currently vacant retail premises back into use. As such the proposal will have a positive effect on the vitality and viability of the Tardy Gate District Centre. Although there is the potential for the first floor residential apartment to experience noise and disturbance, it is considered this can be mitigated against through the imposition of conditions. 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 BM-103 Elevations; BM-102 Floor Plan
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development
3. Prior to the commencement of any works on site details shall be submitted to the local planning authority for approval in writing of the works to be undertaken to the property to prevent sound transference from the ground floor commercial unit to the first floor flat or vice versa. Following agreement of the works they shall be implemented in full and once complete an acoustic insulation test shall be undertaken in line with ISO 140-4 (airborne sound insulation test) and ISO 140-7 (impact sound insulation test) to confirm the levels design have been achieved. If following the testing of the insulation the design insulation levels have not been achieved further work shall be undertaken with re-testing until the levels have been achieved. The report shall be submitted to the planning authority for approval and discharge of the condition prior to occupation of the building.
As a minimum the following shall be achieved:
Impact sound: <60dB L'nT,w
Airborne sound: >55dB DnT,w +Ctr
Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy

4. Waste collections shall not occur outside the hours of 07:00 to 21:00 Monday to Friday and 09:00-13:00 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
5. Prior to the installation of any extraction/ventilation/refrigeration 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

12 Relevant Policy

12.1 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.

12.2 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 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

12.3 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

13 Informative Notes

1. Any extraction/ventilation system submitted to discharge condition 5 shall be so designed to ensure the following standards are achieved:

Any 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).