

**Application Number** 07/2020/00907/FUL  
**Address** The Shampian Indian Restaurant  
97 Pope Lane  
Penwortham  
Preston  
Lancashire  
PR1 9DB

**Applicant** CCPI LTD

**Agent** Mr R Raja  
Princess House  
62 Princess Street  
WIGAN  
WN3 4HW  
United Kingdom

**Development** Proposed 3no Retail Units And 1no Hot Food  
Takeaway, Following Demolition Of Existing  
Buildings

**Officer Recommendation** **Approval with Conditions**  
**Officer Name** **Mr Chris Sowerby**

Date application valid 29.10.2020  
Target Determination Date 08.08.2021  
Extension of Time 11.10.2021



## **1. REPORT SUMMARY**

1.1 The application relates to a 0.19 hectare at the junction between Pope Lane and Cop Lane in Penwortham. The site comprises of a vacant part two-storey, part-single storey detached building and the associated parking and servicing area. The site, which was most recently occupied by The Shampan Indian Restaurant, has been vacant since May 2019. The site is within the Kingsfold Local Centre, as defined by Policy E5 of the South Ribble Local Plan, and is also covered by Policy B1: Existing Built-Up Area.

1.2 The application seeks planning permission for the erection of a single store building comprising of 3 retail units (Class E) and a hot food takeaway (Sui Generis Use Class) following the demolition of the existing vacant building. The proposed building, which takes an irregular shape, covers an area of 720 sq metres and would front the north-south stretch of Pope Lane. The building would have a height of 4.7m and would be constructed in a mixture of red brick and metallic silver cladding, in addition to smooth blue engineering brick detailing and glazed unit frontages. Feature full height glazing on the building at the corner of Pope Lane and Cop Lane, in addition to window graphics, have been included to improve the visual appearance of the building.

1.3 The existing shared access on to Pope Lane is proposed to be retained and utilised to serve a 15 space customer car park. An existing shared access on to Woodville Road is proposed to be widened to the rear of the units to provide a one-way service/delivery access with the egress point to be newly formed onto the western-eastern stretch of Pope Lane. Both the entrance and egress of the service road are to be barriered. Within the service/delivery access area 5 staff car parking spaces and a bin store are proposed.

1.4 A mixture of commercial, retail and food and drink premises are present to the west and east of the application site on Cop Lane and Pope Lane. Properties to the north on the opposite side of Pope Lane, and to the south on Pope Lane and Woodville Road, are residential in use. Given the location of the site within a defined local centre and the mix of uses present within the locality the principle of 3 retail units and a hot food takeaway unit on the site would not be out of character with the surroundings.

1.5 With a maximum roof height of 4.7m the proposed building would be lower than surrounding commercial and residential uses. The total floor space of the proposed units would also be less than the existing vacant building on the site by virtue of the development only being single storey in height. It is acknowledged that the location of the proposed building within the site is to be sited in a more prominent location compared to the existing vacant building. However, as previously stated, the proposed building is only of a single storey scale and includes a full height glazing feature, landscaping and window graphics to add interest at the prominent Pope Lane/Cop Lane junction elevations.

1.6 Whilst the outlook for some residential properties would undoubtedly change, the loss or change of a view is not a material planning consideration and therefore cannot be afforded any weight in the planning balance. It is however noted that the existing vacant building on the site is falling into disrepair and has been subject to incidents of anti-social behaviour, with the proposal offering the opportunity for investment into the site.

1.7 With the proposed building being single storey in scale and the site already having a lawful commercial use, the spatial separation distances to neighbouring properties are considered to be sufficient to prevent the proposal for having an undue impact on the amenities in terms of overlooking / loss of privacy and overshadowing / overdominance.

1.8 Of the 3 vehicular access/egress points, the existing vehicular access to the west onto Pope Lane is to be retained and used for access to a customer car park. The existing access from Woodville Road to the east is to be widened for use as access to a staff car park and an

access point only to a gated service area. A closed off access onto Pope Lane to the north is proposed to be reinstated as an egress only point from the service area and is to be gated.

1.9 Highway safety, off-street parking provision and access to the proposed service yard by HGVs have been highlighted by neighbours as particular areas of concern. County Highways have however full assessed the proposed access/egress points and consider these to be acceptable, including for use by HGVs for deliveries along Woodville Road, together with the provision of acceptable visibility splays. The concerns of objectors, specifically in relation to the service vehicle access, have been shared with County Highways, who state "*The amended swept path analysis (SCP/200401/ATR03, Revision G) indicates that the movement along the service area is confined for the largest delivery vehicles but achievable*". Having considered these responses, and confirming the undertaking of "*a number of site visits*" County Highways have confirmed these do not alter their view as expressed above that the proposed access and egress points are acceptable.

1.10 The submitted Transport Assessment suggests that the proposed development would generate 13 more vehicle movements in the AM peak hour and 1 more vehicle movement in the PM peak hour than the existing lawful use of the site as a restaurant. This has not been disputed by County Highways, who have raised no concerns regarding traffic generation.

1.11 Whilst the use of the existing car park on site for customer only, which provides circa 30 spaces, has not been enforced by the landowners there is no requirement for the applicant to provide car parking spaces to support other businesses or the wider local centre. A public car park comprising of 35 spaces is present off Ryefield Avenue some 150m to the east of the application site (behind the Co-Op foodstore) with a further 22 spaces present along Pope Lane. Given this local provision, together with good local transport links, County Highways are of the opinion that the provision of 20 off-street spaces on the site, where guidance seeks the provision of a maximum of 50 spaces, would not have severe impact on highway safety or capacity.

1.12 With the existing vacant building on the site having extraction systems present on the rear elevation, which were in use when the premise was operational as a restaurant, the submitted Noise Impact Assessment considers how the proposed plant systems compares to that currently on the building. The calculations made conclude the difference between the previous calculated sound level and the rating level of the proposed source to be -12dB which "*presents a significant improvement upon the previously permitted development at the site*". Environmental Health have raised no objections to the proposal subject to the imposition of conditions.

1.13 The application accords with Policies 1, 3, 10, 17 and 22 of the Core Strategy and Policies B1, E5, F1 and G17 of the South Ribble Local Plan and the Kingsfold Local Centre the Development Plan. For these reasons, and those contained within the report, it is therefore recommended that the application is approved subject to the imposition of conditions.

## **2. APPLICATION SITE AND SURROUNDING AREA**

2.1 The application relates to a 0.19 hectare at the junction between Pope Lane and Cop Lane in Penwortham. The site comprises of a vacant part two-storey, part-single storey detached building and the associated parking and servicing area. The site, which was most recently occupied by The Shampan Indian Restaurant, has been vacant since May 2019.

2.2 The site is served by an access on to Pope Lane which is shared with the adjacent Betfred betting shop. A mixture of commercial, retail and food and drink premises are present to the west and east of the application site on Cop Lane and Pope Lane. Properties to the north on the opposite side of Pope Lane, and to the south on Pope Lane and Woodville Road, are residential in use.

2.3 A public car park comprising of 35 spaces is present off Ryefield Avenue some 150m to the east of the application site (behind the Co-Op foodstore) with a further 22 spaces present along Pope Lane.

2.4 The site is within the Kingsfold Local Centre, as defined by Policy E5 of the South Ribble Local Plan, and is also covered by Policy B1: Existing Built-Up Area.

### **3. SITE HISTORY**

3.1 None relevant.

### **4. PROPOSAL**

4.1 The application seeks planning permission for the erection of a single store building comprising of 3 retail units (Class E) and a hot food takeaway (Sui Generis Use Class) following the demolition of the existing vacant building.

4.2 The proposed building, which takes an irregular shape, covers an area of 720 sq metres and would front the north-south stretch of Pope Lane. The building would have a height of 4.7m and would be constructed in a mixture of red brick and metallic silver cladding, in addition to smooth blue engineering brick detailing and glazed unit frontages. Feature full height glazing on the building at the corner of Pope Lane and Cop Lane, in addition to window graphics, have been included to improve the visual appearance of the building.

4.3 Unit 1 (retail) is proposed to occupy the corner location at the Pope Lane/Cop Lane junction, fronting the Betfred building, and would have a Gross Internal Area (GIA) of 374sq m. Units 2 and 3 (both retail) would have GIAs of 87sq m and front Pope Lane. Unit 4 (hot food takeaway) would have a GIA of 101sq m and would also front Pope Lane.

4.4 The existing shared access on to Pope Lane is proposed to be retained and utilised to serve a 15 space customer car park. An existing shared access on to Woodville Road is proposed to be widened to the rear of the units to provide a one-way service/delivery access with the egress point to be newly formed onto the western-eastern stretch of Pope Lane. Both the entrance and egress of the service road are to be barriered. Within the service/delivery access area 5 staff car parking spaces and a bin store are proposed.

4.5 The existing hedge along the site frontage with Pope Lane is to be retained with exception to two sections, each 2m long, which are proposed to be removed to provide pedestrian access to the site. Two trees are also proposed to be planted along this frontage. The stretch of the existing hedge and low wall along which fronts the junction between Pope Lane and Cop Lane is to be removed to provide shrub beds.

4.6 The applicant proposed 6am-11pm open hours daily for each of the units.

4.7 The applicant asserts within supporting documentation:

*“Under policy E5 of the council’s adopted local plan, the proposed use, layout, scale and appearance of the proposed development is appropriate to the site and its relationship with adjoining uses. It would result in an improvement in the general appearance of the site and would safeguard the future of the Kingsfold local Centre.*

*The development is in a sustainable location and would deliver a wide ranging economic, social and environmental benefits to the local community*

*The proposed redevelopment of the site would bring a vacant site back into appropriate uses and the planning application put forward is worthy of the council’s support.”*

4.8 The application is accompanied by a Design and Access Statement and a Transport Statement.

4.9 Amended plans have been submitted incorporating design improvements to the external appearance of Unit 1 recommended by Officers and additional security measures (gated exit onto Pope Lane and replacement fencing to 85-91 Pope Lane) recommended by the Crime Prevention Officer at Lancashire Constabulary.

## **5. REPRESENTATIONS**

5.1 A total of 43 letters of representation were received in relation to the proposal as originally submitted, of which 25 were in opposition, 16 were in support and 2 offered neutral or positive and negative views.

5.2 A summary of the representations made in opposition follows:

### **Character and Design**

- ☐ Proposed development is out of scale with the surroundings
- ☐ Lack of amenity space/landscaping proposed – *note: amended plans have since been submitted which in part attempt to address this issue which was shared by Officers*
- ☐ Large blank façade proposed on prominent junction - *note: amended plans have since been submitted which in part attempt to address this issue which was shared by Officers*
- ☐ Proposed use of metal cladding is out of character with the local area

### **Relationship To Neighbours**

- ☐ Overlooking / loss of privacy

### **Highway Issues**

- ☐ Proposed servicing and delivery access/egress are inappropriate and unsafe
- ☐ Insufficient and substandard off-street parking proposed
- ☐ Loss of over-flow car park used by customers of nearby businesses

### **Noise/Disturbance Issues**

- ☐ Potential for noise and odours
- ☐ Anti-social behaviour attracted by the proposed hot food takeaway
- ☐ Disturbance issues during demolition and construction

### **Other Issues**

- ☐ Devaluation of neighbouring properties
- ☐ No need for the uses proposed
- ☐ Over-proliferation of hot food takeaways in the locality

5.3 A summary of the representations made in favour follows:

- ☐ Removal of site that is “*dirty, badly lit and attracting crime*”
- ☐ Current site is an eye-sore and fire risk
- ☐ Removal of existing anti-social behaviour at the rear of the building
- ☐ The reasons in favour of the proposal outweigh the reasons against the proposal

**Penwortham Town Council** objected to the proposed development citing concerns in regards to the off-street parking provision, access to the servicing area, character and appearance, odours and noise.

5.4 Following the submission of amended plans a further 18 letters of representation were received as of the 15<sup>th</sup> September, of which 17 were in opposition, 1 was in support and 1 offered neutral or positive and negative views.

5.5 A summary of the points raised in opposition no previously covered above follows:

### **Character and Design**

- ☐ Proposed buildings are of poor design quality

### **Relationship To Neighbours**

- ☐ Proposed wire mesh security gates do not provide privacy for residents opposite

### **Highway Issues**

- ☐ Increase in traffic along Woodville Road and the impact on pedestrian safety
- ☐ The submitted swept path analysis for service vehicles does not take account of existing on-street parking
- ☐ Egress onto Pope Lane was closed off approx. 20 years ago on highway safety grounds
- ☐ Visibility splays from customer car park impaired by a bus stop
- ☐ There is a requirement for 53 car parking spaces but only 20 are proposed

### **Noise/Disturbance Issues**

- ☐ Potential for light pollution
- ☐ Alley needs blocking off to prevent anti-social behaviour (*note: security gates are now shown on the amended plans*)

5.6 A summary of the supporting representation made follows:

- ☐ Proposal is better than the existing eyesore

5.7 A summary of the neutral representation made follows:

- ☐ Changing one or two of the proposal car parking spaces to a cycle shelter would make the proposal “*sound*” (*note: whilst no cycle shelter is proposed the proposal does include cycle racks*)

## **6. CONSULTATION REPLIES**

**County Highways** initially raised concern in relation to the proposed service access arrangements and detail contained within the associated submitted swept path analysis, with the stated need for the use of banksman to assist delivery vehicles through the site underlining this.

Following the submission of additional information by the applicant and after undertaking “*a number of site visits*” County Highways raised no objections to the proposal subject to the imposition of conditions relating to the agreement of a Construction Management Plan, a scheme of localised highway improvement works at the points of access, the provision of wheel washing facilities for construction traffic and the provision of car parking and cycle spaces.

County Highways comment that their five year data base for Personal Injury Accident and Crashmap website indicates that there has been four recorded incidents within the vicinity of the proposed development within the last 5 years and the incident “*appear to be of a nature that would not be worsened by the proposals*”.

Having assessment submitted additional plan and the Transport Statement, County Highways are of the opinion that the visibility splays from all of the proposed access/egress points are acceptable and achievable over the existing adopted highway and/or the development site.

County Highways confirm that:

*“Following discussion between the applicant and LCC the service and staff parking access from Woodville road has been amended. The vehicle swept path on Woodville Road and at the access to the site as shown within drawing SCP/200401/ATR03 Revision G is now acceptable.*

*Service vehicles would exist the site from the reinstated access point on Pope lane. The applicant has proposed that this would be egress only and controlled by barriers (NB subsequent amended plans now propose security gates instead of bollards). To avoid any confusion LCC highways would also request signage indicating no entry from Pope lane. When taking into consideration the low levels of vehicle movements that would be expected from this controlled egress point and the available visibility LCC Highways find these arrangements acceptable”.*

In relation to the proposed internal layout County Highways comment:

*“The amended swept path analysis (SCP/200401/ATR03, Revision G) indicates that the movement along the service area is confined for the largest delivery vehicles but achievable.*

*A barrier has been included between the staff car park and the service area, this measure is acceptable and would eliminate the possibility of unauthorised vehicles access the service area (NB subsequent amended plans now propose security gates instead of a vehicle barrier).*

*The applicant has proposed a customer car park of 15 spaces and a staff car park of 5 spaces. This total of 20 spaces is substantially lower than the level recommended in South Ribble Borough Council Parking standards for a development of this size and nature (50 spaces). As stated earlier the site sits within the Kingsfold Local Centre with good public transport links and an existing public car park, the area is also served with parking restrictions. LCC Highways is of the opinion that the shortfall at this local centre location would not have a severe impact on highway safety or capacity.”*

County Highways also comment that the level of vehicle movements to and from the development *“would not have a significant impact on the operational performance of the local network”.*

The concerns of objectors, specifically in relation to the service vehicle access and parking provision, have been shared with County Highways. Having considered these responses County Highways have confirmed these do not alter their view as expressed above.

In response to the submission of amended plans that included the provision of security gates at the service area County Highways confirmed no objections to the revision.

**Environmental Health** initially raised concern that the application was not accompanied by an Odour Assessment or a Noise Assessment. Both of these documents have since been provided with Environmental Health raising no objections to the proposal subject to the imposition of conditions relates to the burning of waste, restrictions on the hours of construction, restriction on piling, dust management, the provision of wheel washing facilities for construction traffic, restrictions on the hours of opening for the units and delivery hours, the agreement of waste storage details and waste collection, restrictions on extraction systems and the provision of electric vehicle charging points.

**Ecology** have advised that the submitted Ecology Report noted a small bat roost within the existing vacant building on the site, however given the nature of the roost Ecology are satisfied that adequate mitigation can be provided and that Natural England would issue a license as the conservation status of the species can be maintained. The imposition of a condition requiring a license from Natural England before demolition of existing building is recommended.

**The Local Lead Flood Authority (LLFA)** have raised no objections to the proposal.

**United Utilities** have raised no objections to the proposal recommending conditions in relation to agreeing foul and surface water drainage details.

The Local Authority's **Arboriculturist** has raised no objections to the proposal commenting that trees identified for removal are mitigated with the addition of trees at the frontage of the site. A condition to secure the landscaping proposed is recommended.

**Lancashire Constabulary (Architectural Liaison Officer)** have raised no objections to the proposal, highlighting a number of security measures for the consideration of the applicant. These have been forwarded to the applicant for their information with amended plans being provided including the installation of 2m high anti climb security gates and perimeter fencing as recommended.

## **7. MATERIAL CONSIDERATIONS**

### **Policy Considerations**

#### **7.1 NPPF**

7.1.1 The NPPF promotes a presumption in favour of sustainable development and supports sustainable economic development, stating *"Planning policies and decisions should help create the 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"*.

7.1.2 With regards to highway issues associated with development proposal, Paragraph 109 of the NPPF states *"Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.

#### **7.2 Core Strategy Policy Considerations**

7.2.1 Policy 1 of the Core Strategy is entitled 'Locating Growth' and encourages the focussing of growth and investment in the Key Service Centres of Chorley and Leyland and the other main urban areas in South Ribble.

7.2.2 Policy 17 of the Core Strategy is entitled 'Design of New Buildings' and requires new buildings to take account of the character and appearance of the local area.

#### **7.3 South Ribble Local Plan**

7.3.1 The site is within the Kingsfold Local Centre, as defined by Policy E5 of the South Ribble Local Plan, and is also covered by Policy B1: Existing Built-Up Area.

7.3.2 Policy B1 permits the re-use and redevelopment of land and buildings provided that:

- i) the development complies with the requirements for access parking and services, as set out elsewhere in the Plan;
- ii) is in keeping with the character and appearance of the area; and
- iii) will not adversely affect the amenities of nearby residents.

7.3.3 This will be assessed in the following sections of this report.

7.3.4 Policy E5 seeks to maintain a minimum presence of 60% of units being in retail uses. As the former use of the site was not a retail use the proposal, which includes 3 the construction

of 3 retail units, would result in a net gain of retail within the Local Centre. The application therefore accords with the requirements of Policy E5.

#### **7.4 Penwortham Town Neighbourhood Development Plan**

7.4.1 The site is covered by the Penwortham Town Neighbourhood Development Plan. In regards to the Kingsfold Local Centre the Development Plan states:

*“The purpose of this policy to prevent the over proliferation of non-retail uses at the expense of local retail provision within the Centre is supported. It is important to the vitality and viability of Kingsfold that the retail offer and appearance of the frontages is retained where possible.”*

7.4.2 The provision of 3 retail units on the site where a vacant non-retail use exists accords with the requirements of the Kingsfold Local Centre the Development Plan and also would improve the vitality and viability of the local centre.

#### **7.5 CIL**

7.5.1 Only the neighbourhood convenience store element of the proposal (Unit 1) is potentially subject to the Community Infrastructure Levy, dependant on the internal trading floor area. The floor area of the existing building on the site to be demolished however far exceeds the floor area of proposed Unit 1, therefore providing exemption from the need to pay the Community Infrastructure Levy.

#### **7.6 Character and Design**

7.6.1 Policy G17 of the Local Plan, amongst other things, requires development to be well related to neighbouring buildings and the locality in terms of its size, scale and intensity (plot coverage) and Policy 17 of the Core Strategy expects new buildings to *“take account of the character and appearance of the local area”*.

7.6.2 The application site is within the Kingsfold Local Centre, as defined by Policy E5 in the South Ribble Local Plan. A mixture of commercial, retail and food and drink premises are present to the west and east of the application site on Cop Lane and Pope Lane. Properties to the north on the opposite side of Pope Lane, and to the south on Pope Lane and Woodville Road, are residential in use.

7.6.3 Given the location of the site within a defined local centre and the mix of uses present within the locality the principle of 3 retail units and a hot food takeaway unit on the site would not be out of character with the surroundings.

7.6.4 With a maximum roof height of 4.7m the proposed building would be lower than surrounding commercial and residential uses. The total floor space of the proposed units would also be less than the existing vacant building on the site by virtue of the development only being single storey in height.

7.6.5 It is acknowledged that the location of the proposed building within the site is to be sited in a more prominent location compared to the existing vacant building. However, as previously stated, the proposed building is only of a single storey scale and includes a full height glazing feature, landscaping and window graphics to add interest at the prominent Pope Lane/Cop Lane junction elevations.

7.6.6 The use of brick and contrasting panel treatment on the external elevations of the proposed building, whilst modern, is not considered to have undue detrimental impact on the character and appearance of the area. A variety of external finishes are present on neighbouring commercial premises including Puccini’s, which is opposite on Pope Lane, and is primarily clad in timber with traditional red brick at the first floor.

7.6.7 Whilst the outlook for some residential properties would undoubtedly change, the loss or change of a view is not a material planning consideration and therefore cannot be afforded any weight in the planning balance. It is however noted that the existing vacant building on the site is falling into disrepair and has been subject to incidents of anti-social behaviour, with the proposal offering the opportunity for investment into the site.

7.6.8 For the above reasons the proposed development is considered to comply with Policy G17 a), relating to the character and appearance of the area and Core Strategy Policy 17.

## **7.7 Relationship To Neighbours**

7.7.1 A minimum distance of 26m would be present from the northern elevation of the proposed building to the front elevation of 64 Pope Lane.

7.7.2 A minimum distance of 23m would be present from the western elevation of the proposed building to the front elevation of commercial premises at 70-72 Pope Lane.

7.7.3 A splayed distance of 15m would be present from the southern side elevation of Unit 4 (hot food takeaway) to the northern elevation of Woodville Court.

7.7.4 With the proposed building being single storey in scale and the site already having a lawful commercial use, the above spatial separation distances are considered to be sufficient to prevent the proposal for having an undue impact on the amenities in terms of overlooking / loss of privacy and overshadowing / overdominance.

7.7.5 A neighbour has raised concern that the proposed wire mesh security gates onto Pope Lane do not provide privacy for residents opposite. A minimum distance of 20.5m would be present from the front elevation of 64 Pope Lane to the proposed security gates with Pope Lane intervening. This inter-relationship, which includes evergreen hedge planting along the front boundaries of properties on Pope Lane, is considered to be acceptable and will not result in an undue loss of privacy.

## **7.8 Highway Issues**

7.8.1 County Highways comment that their five year data base for Personal Injury Accident and Crashmap website indicates that there has been four recorded incidents within the vicinity of the proposed development within the last 5 years and the incident *“appear to be of a nature that would not be worsened by the proposals”*.

7.8.2 Of the 3 vehicular access/egress points, the existing vehicular access to the west onto Pope Lane is to be retained and used for access to a customer car park. The existing access from Woodville Road to the east is to be widened for use as access to a staff car park and an access point only to a gated service area. A closed off access onto Pope Lane to the north is proposed to be reinstated as an egress only point from the service area and is to be gated. Objections have particularly being has been raised from residents to the appropriateness of the proposed service access from Woodville Road, with it being queried if the swept path analysis provided by the applicant is achievable in reality. County Highways have full assessed the proposed access/egress points and consider these to be acceptable, including for use by HGVs for deliveries along Woodville Road, together with the provision of acceptable visibility splays. The concerns of objectors, specifically in relation to the service vehicle access, have been shared with County Highways, who state *“The amended swept path analysis (SCP/200401/ATR03, Revision G) indicates that the movement along the service area is confined for the largest delivery vehicles but achievable”*. Having considered these responses, and confirming the undertaking of *“a number of site visits”* County Highways have confirmed these do not alter their view as expressed above that the proposed access and egress points are acceptable.

7.8.3 The submitted Transport Assessment suggests that the proposed development would generate 13 more vehicle movements in the AM peak hour and 1 more vehicle movement in the PM peak hour than the existing lawful use of the site as a restaurant. This has not been disputed by County Highways, who have raised no concerns regarding traffic generation.

7.8.4 Whilst the use of the existing car park on site for customer only, which provides circa 30 spaces, has not been enforced by the landowners there is no requirement for the applicant to provide car parking spaces to support other businesses or the wider local centre. A public car park comprising of 35 spaces is present off Ryefield Avenue some 150m to the east of the application site (behind the Co-Op foodstore) with a further 22 spaces present along Pope Lane. Given this local provision, together with good local transport links, County Highways are of the opinion that the provision of 20 off-street spaces on the site, where guidance seeks the provision of a maximum of 50 spaces, would not have severe impact on highway safety or capacity.

## **7.9 Noise/Disturbance Issues**

7.9.1 The submitted Noise Impact Assessment states that as the tenants of the development and their required plant equipment and operations are not yet known, it is not possible to undertake a noise impact assessment for the development as a whole. Consequently the Noise Impact Assessment considers only the hot food takeaway (Unit 4), with Environmental Health recommending a condition requiring the future details to be submitted and agreed in relation to plant on Units 1-3 prior to installation.

7.9.2 With the existing vacant building on the site having extraction systems present on the rear elevation, which were in use when the premise was operational as a restaurant, the submitted Noise Impact Assessment considers how the proposed plant systems compares to that currently on the building. The calculations made conclude the difference between the previous calculated sound level and the rating level of the proposed source to be -12dB which *“presents a significant improvement upon the previously permitted development at the site”*.

7.9.3 Environmental Health have raised no objections to the proposal subject to the imposition of conditions relates to the burning of waste, restrictions on the hours of construction, restriction on piling, dust management, the provision of wheel washing facilities for construction traffic, restrictions on the hours of opening for the units and delivery hours, the agreement of waste storage details and waste collection, restrictions on extraction systems and the provision of electric vehicle charging points.

7.9.4 Neighbours have raised concerns at the potential for the development to generate odours. Ventilation plans have been provided by the application at the request of Environmental Health who are satisfied with the system proposed.

7.9.5 Concerns raised by neighbours in regards to the potential for disturbance issues during demolition and construction can be controlled through conditions recommended by Environmental Health and County Highways including the agreement of a Construction Management Plan to also cover demolition and site clearance.

7.9.6 The potential for anti-social behaviour attracted by the proposed hot food takeaway have been highlighted by neighbours. Lancashire Constabulary (Architectural Liaison Officer) have raised no objections to the proposal, highlighting a number of security measures that were forwarded to the applicant with amended plans being provided including the installation of 2m high anti climb security gates and perimeter fencing as recommended.

7.9.7 Neighbours have raised concern at the potential for light pollution. Any external lighting can be controlled by a suitably worded condition. Advertisement schemes, including any potential illuminated signs, would be considered as part of a separate advertisement consent application.

## **7.10 Other Issues**

7.10.1 Neighbour have raised concern at the perceived potential for the proposal to devalue neighbouring properties and there being “no need” for the uses proposed. These concerns are not material planning considerations and therefore cannot be considered as such.

## **8.1 CONCLUSION**

8.1 The proposed development conforms with the requirements of Policies B1 and E5 of the South Ribble Local Plan and also the Kingsfold Local Centre the Development Plan. The proposed development would not be out of character with the local area and there are no highway safety or neighbour amenity issues raised by County Highways or Environmental Health, subject to the imposition of conditions.

8.2 The proposed development is deemed to be in accord with Policies 1, 3, 10, 17 and 22 of the Core Strategy and Policies B1, E5, F1 and G17 of the South Ribble Local Plan and the Kingsfold Local Centre the Development Plan. For these reasons, and those contained within the report, it is therefore recommended that the application is approved subject to the imposition of conditions.

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**RECOMMENDATION:**

Approval with Conditions.

**RECOMMENDED CONDITIONS:**

1. That the development 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 numbered 20.11-PL-OS Rev.A (Site Location Plan), 20.11-PL-01 Rev.C (Proposed Site Layout), 20.11-PL-02 Rev.C (Proposed Ground Floor and Roof Plans), 20.11-PL-03 Rev.D (Proposed Elevations) and 20.11-PL-04 Rev.B (Hot Food Takeaway - Kitchen Ventilation),

REASON: To ensure a satisfactory standard of development in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G1 of the South Ribble Local Plan (2012-2026).

3. Notwithstanding the provision of the Town and Country Planning (Use Classes) Regulations 2020 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 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

4. The development hereby permitted shall be registered with the Building Research Establishment (BRE) under BREEAM and constructed to achieve a BREEAM rating of 'Very Good' (or where possible in urban areas ('Excellent'. No phase or sub-phase of the development shall commence until a Design Stage Assessment Report showing that the development will achieve a BREEAM rating of 'Very Good' or 'Excellent' has been submitted to and approved by the Local Planning Authority

REASON: To be in accordance with Policy 27 in the Central Lancashire Core Strategy

5. Prior to first occupation of the development hereby approved, a BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM rating of 'Very Good' (or where possible in urban areas) 'Excellent' has been submitted to and approved by the Local Planning Authority.

REASON: To be in accordance with Policy 27 in the Central Lancashire Core Strategy.

6. On completion of the development hereby approved a Building Research Establishment issued Post Construction Review Certificate confirming that the development has achieved a BREEAM rating of 'Very Good' (or where possible in urban area) 'Excellent' has been submitted to and approved in writing by the Local Planning Authority.

REASON: To be in accordance with Policy 27 in the Central Lancashire Core Strategy

7. The approved landscaping scheme, as detailed on the Proposed Site Layout plan (ref. 20.11-PL-01 Rev.C) shall be implemented in the first planting season following completion of the development or first occupation/use, whichever is the soonest, and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority, in compliance with BS 5837 2012 - Trees in Relation to Design, Demolition and Construction - Recommendations. This maintenance shall include the watering, weeding, mulching and adjustment and removal of stakes and support systems, and shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies by the same species. The replacement tree or shrub must be of similar size to that originally planted.

REASON: In the interests of the amenity of the area in accordance with Policy 17 in the Central Lancashire Core Strategy, Policy G13 and Policy G17 in the South Ribble Local Plan 2012-2026

8. No development shall commence until a grounds level survey, to include existing ground levels and proposed ground and slab levels, has been submitted to and approved in writing by the Local. The development shall be constructed in accordance with the approved levels.

REASON: In order to satisfy the Local Planning Authority that the development will not have a detrimental impact on residential amenity or the character of the area before work commences in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan.

9. For the duration of demolition and construction there shall be no burning of waste material or vegetation on site.

Reason: In the interests of the amenity and to safeguard the living conditions of the nearby residents in accordance with Policy 17 in the Central Lancashire Core Strategy and the NPPF.

10. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:

- o the proposed times demolition and construction works will take place
- o the parking of vehicles of site operatives and visitors
- o loading and unloading of plant and materials
- o storage of plant and materials used in constructing the development
- o the location of the site compound
- o suitable wheel washing/road sweeping measures
- o appropriate measures to control the emission of noise during demolition and construction
- o details of all external lighting to be used during the demolition and construction
- o a scheme for recycling/disposing of waste resulting from demolition and construction works

- o 24 Hour emergency contact number
- o Arrangements for turning of vehicles within the site
- o Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures
- o Measures to protect vulnerable road users (pedestrians and cyclists)
- o The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- o Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction
- o Construction vehicle routing

REASON: To safeguard the amenities of neighbouring properties in accordance Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026

Note: Construction Management Plan.

- o There must be no reversing into or from the live highway at any time - all vehicles entering the site must do so in a forward gear and turn around in the site before exiting in a forward gear onto the operational public highway.
- o There must be no storage of materials in the public highway at any time.
- o There must be no standing or waiting of machinery or vehicles in the public highway at any time.
- o Vehicles must only access the site using a designated vehicular access point.
- o There must be no machinery operating over the highway at any time, this includes reference to loading/unloading operations - all of which must be managed within the confines of the site.
- o A licence to erect hoardings adjacent to the highway (should they be proposed) may be required. If necessary this can be obtained via the County Council (as the Highway Authority) by contacting the Council by telephoning 01772 533433 or e-mailing [Ihsstreetworks@lancashire.gov.uk](mailto:Ihsstreetworks@lancashire.gov.uk). All references to public highway include footway, carriageway and verge.

11. Prior to the commencement of any works on site, details of all piling activities shall be submitted to the local planning authority together with all mitigation measures to be taken. Piling activities shall be limited to 09:30-17:00 Monday to Friday with no activity Saturday, Sunday or nationally recognised Bank Holidays.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy and the NPPF.

Note to Applicant: Mitigation measures may include and are not limited to:

- I. The use of low impact piling, auger piling
- II. Boundary vibration and noise monitoring
- III. Informing neighbouring properties on the times and duration of piling activities.

12. Prior to the commencement of any works on site a Dust Management Plan shall be submitted, for written approval, to the local planning authority. The Dust Management Plan shall identify all areas of the site and site operations where dust may be generated and further identify control measures to ensure dust and soil does not travel beyond the site boundary. Once agreed the identified control measures shall be implemented and maintained throughout the duration of the site preparation and construction phase of the development.

Reason: In the interests of the amenity and to safeguard the living conditions of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy and the NPPF.

13. The units hereby approved shall only operate within the following hours:

Units 1, 2 and 3 - 06.00 - 23.00  
Unit 4 - 07.00 - 23.00

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

14. Deliveries to the site shall not occur outside the hours of 07:00 to 19:00 Monday to Saturday and 09:00 - 19.00 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 and the NPPF

Note to applicant: Any application to vary / extend the permitted delivery times would need to be accompanied by a noise impact assessment, to demonstrate that the application did not have an adverse effect upon the amenity of nearby residents by virtue of noise.

15. Prior to the commencement of the development full details of the waste storage facilities within the site shall be submitted to and approved in writing by the local planning authority. Once approved the waste storage facilities shall be provided prior to first use of the development and shall be retained and maintained thereafter.

Reason: To 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 in accordance with Policy 17 of the Central Lancashire Core Strategy and the NPPF.

16. Waste collections shall not occur outside the hours of 07:00 to 21:00 Monday to Friday and 07:00 to 13:00 on 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 and the NPPF.

17. The approved extractor system on Unit 4 may only operate within the hours of 07.00 - 23.00, with an automatic timer to be fitted prior to the first use of the extractor system.

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

18. Prior to the installation of any external fixed plant, ventilation or extraction systems (other than that approved on Unit 4) 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(s) shall then be installed as agreed and thereafter maintained as approved. Any changes to the system(s) 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 and the NPPF.

Note to applicant: Any additional external fixed plant, ventilation or extraction system(s) 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 (including the extractor system at Unit 4) 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).

or

LAeq 50 dB 16 hours - gardens and outside living areas (for example balconies)

LAeq 35 dB 16 hours - indoors daytime

LAeq 30 dB 8 hours - indoors night-time (23.00-07.00)

LAfmax 45 dB( 8 hours - indoors night-time (23.00-07.00)

LAfmax 45 dB 4 hours - indoors evening (19.00-23.00)

Whichever is lower (In considering any future noise impact assessments relating to this site the Council will also have

regard to the background levels within the noise impact assessment accompanying this application, by NCSL, Ref. NCSL1036, dated 27th July 2021).

19. Prior to the first use of the development 10% of parking bays shall be provided with a rapid (30 mins) electric vehicle recharge point to the parking area. The parking bay shall be appropriately marked to ensure the sole use by electric vehicles and an adequate charging infrastructure with associated cabling provided for the designated parking bay. The charging point shall be located so that a 3m cable will readily reach the vehicle to be charged when parked in the designated parking bay.

Reason: To enable and encourage the use of alternative fuel use for transport purposes in accordance with Policy 3 of the Central Lancashire Core Strategy.

20. No part of the development hereby approved shall be occupied until all the highway works (amended vehicle accesses, Bus stop improvements, no entry signs) have been constructed and completed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works in the interest of highway safety in accordance with Policy G17 in the South Ribble Local Plan 2012-2026

21. No unit shall be occupied until the car parking and service areas have been surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan (including barriers on service area). The car parking areas shall thereafter be kept free of obstruction and available for the parking cars at all times.

Reason: To allow for the effective use of the parking areas in the interest of highway safety in accordance with Policy G17 in the South Ribble Local Plan 2012-2026

22. No building shall be occupied until the cycle parking provision shown on the Proposed Site Layout plan (ref. 20.11-PL-01 Rev.C) has been completed. The area shall thereafter be kept free of obstruction and available for the parking of cycles only at all times.

Reason: To ensure the provision and availability of adequate cycle parking and the promotion of sustainable forms of transport to accord with Policy G17 in the South Ribble Local Plan 2012-2026

23. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation. The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy 29 in the Central Lancashire Core Strategy

24. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy 29 in the Central Lancashire Core Strategy

25. No demolition works shall commence unless the local planning authority has been provided with either:

- a) a license issued by Natural England pursuant to Regulation 55, of the Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development go ahead: or
- b) a statement in writing form the relevant licensing body to the effect that it does not consider that the specified development will require a license

REASON: To ensure the protection of schedule species protected by the Wildlife and Countryside Act 1981 and so as to ensure work is carried out in accordance with Policy 22 in the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026

26. That any tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds shall not take place between March and July inclusive of any year, unless the absence of nesting birds has been confirmed by further surveys or inspections and written approval has been given from the Local Planning Authority.

REASON: To protect habitats of wildlife, in accordance with Policy 22 of the Core Strategy.

## **RELEVANT POLICY**

### **1 Locating Growth (Core Strategy Policy)**

- 3 Travel (Core Strategy Policy)**
- 10 Employment Premises and Sites (Core Strategy Policy)**
- 17 Design of New Buildings (Core Strategy Policy)**
- 22 Biodiversity and Geodiversity (Core Strategy Policy)**
- POLB1 Existing Built-Up Areas**
- POLE5 Local Centres**
- POLF1 Car Parking**
- POLG17 Design Criteria for New Development**
- NPPF National Planning Policy Framework**
- PEN Penwortham Neighbourhood Development Plan**

**Note:**

1. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. The applicant should be advised to contact the county council for further information by telephoning the Highway Development Control Section on 0300 123 6780 or email [developeras@lancashire.gov.uk](mailto:developeras@lancashire.gov.uk), in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the location, district and relevant planning application reference number.

This consent does not give approval to a connection being made to Lancashire County Council's highway drainage system.

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