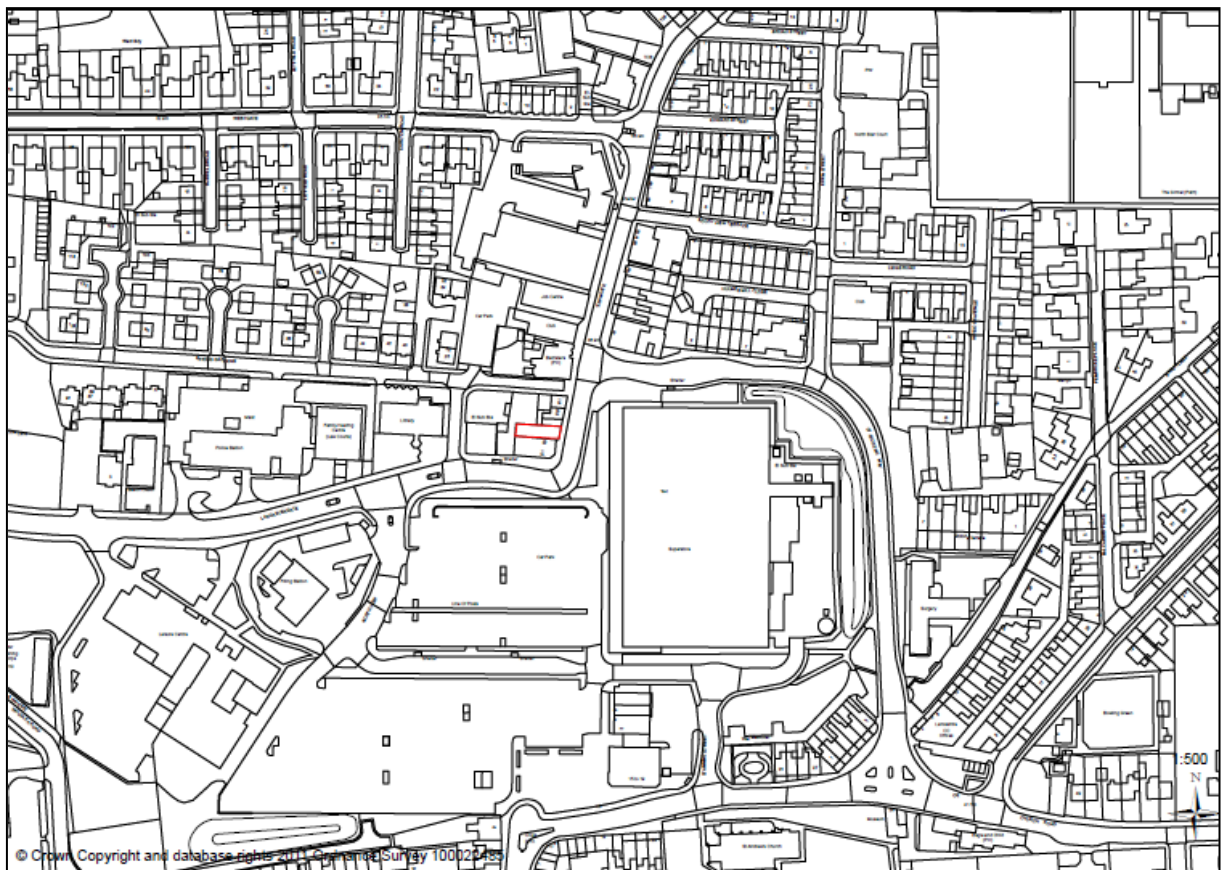


Application Number	07/2021/00942/FUL
Address	55 Towngate, Leyland
Applicant	Starboard Dining Ltd
Agent	Mr Adam Beamish Beamish Planning Consultancy

Development	Change of use of ground floor of former betting shop (Sui Generis) to hot food takeaway (Sui Generis), replacement shopfront, and installation of a plant and extraction system
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Officer Recommendation	Approval with conditions
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Date application valid	14.10.2021
Target Determination Date	28.10.2021
Extension of Time	17.01.2021



1. **Report Summary**

1.1. The application seeks permission to change the use of 55 Towngate, Leyland from a former bookmaker (Sui Generis) to hot food takeaway (also Sui Generis), with alterations to the shop front and installation of extraction and acoustic measures.

1.2. In response to publicity representation has not been received. Comments raised by statutory consultees have been dealt with either by amendments to the scheme or by condition

1.3. 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 a mid-terraced, two storey commercial property located at the southern end of Towngate, Leyland. The ground floor covers 96m² floor area and was until Dec 2020 used as a bookmaker, with the first floor being in use as a physiotherapist; although there is no permission in place for this use.

2.2. In the east across Towngate is Tesco superstore which opens 24hrs. Attached in the north is a cycle sale shop and attached south is a disability aids retail unit; first floors of both properties are in commercial use. To the west are the side elevation of Wonderland Chinese restaurant and a small service yard/private car park with access to the application property's rear elevation.

2.3. Bus stops are present within an easy walk, but Tesco car park and a smaller public car park are 30m south and north-west respectively. The closest residential properties lie around 90m away across the public car park and on St Andrews Way

2.4. The site is designated as part of the Secondary Retail Area by Policy E3 (Leyland Town Centre) of the South Ribble Local Plan.

3. **Site Context / Planning History**

3.1. There are 9 planning applications on the history of this site, but none are relevant other than 07/2010/0101/COU for change of use of the attached cycle shop which was approved by Committee, but was not implemented and has since expired.

4. **Proposal**

4.1. The applicant seeks permission for change of use from former bookmaker (Use Class Sui Generis) to hot food takeaway – also Sui Generis Class. Unlike other classes there is no transferability between uses in the Sui Generis class. The proposal also includes alterations to the shop front, installation of extraction and ventilation equipment and advertisement, although the latter has been approved by a separate delegated application.

4.2. *Change of Use* – The proposal seeks change of use to a hot food takeaway (Pizza Hut) with the potential for 7 full time and 14 part time employees. Proposed opening is 11am till 11pm daily, and whilst this seems slightly excessive a check of properties in the vicinity finds that few have time restrictions and immediate neighbours can open 24hrs a day including Wonderland restaurant. Environmental Health do not object to opening hours. The ground floor would comprise counter and service areas at the front, kitchens to the centre and store/office space at the rear. A door to the rear would be retained

4.3. *Replacement Shop Front* - the existing shop front is a large window with a single door on the right. The new shop front would be similar other than a double door to the centre

4.4. *Extraction/Ventilation Equipment* – Plant would be mostly internally installed, but on the rear elevation at ground floor would be condenser units. Extraction vents would also be installed into the side elevation. Similar venting equipment is already present on the first-floor side wall.

5. **Summary of Supporting Documents**

5.1. The application is accompanied by the suite of documents listed in condition 2

6. **Representations**

6.1. **Summary of Publicity**

6.1.1.A site notice has been posted, and 6 neighbouring properties consulted. Ward Councillors Bylinski Gelder and Forrest have also been notified

6.2. **Letters of Objection or Support**

6.2.1. None received

7. **Summary of Responses**

Lancashire County Council Highways - LCC note that whilst there is no parking in front of the proposed site, there is ample public car parking available in the immediate vicinity. LCC have reviewed the five-year data base for Personal Injury Accident (PIA) which indicates that this location has had a good road safety record for the last five years, and although proposed development will result in increased traffic to the site they feel that the proposals town centre location should have a negligible impact on highway safety and highway capacity. LCC has no highway objections to this planning application.

7.1. Lancashire Constabulary have been contacted twice but have not commented. They do only respond however when they have relevant comments to make.

Environmental Health – subject to works in accordance with the approved acoustic report prior to first use of the property, Environmental health do not object

8. **Material Considerations**

8.1. **Site Allocation Policy**

8.1.1. The site is designated as part of Leyland's Secondary Retail Centre by Policy E3 (Leyland Town Centre) of the South Ribble Local Plan

8.1.2. Policy E3 when referring to the secondary frontage states that retail premises in the former A1:retail, A3:Café/restaurant and A4:Drinking establishment classes (since Sept 2020 Classes E and Sui Generis) should be protected to maintain the vitality and viability of the area. Such uses should only be lost where the applicant can provide a 6-month marketing assessment to show that premises cannot be retained in their current use.

8.1.3. Policy E3 also states that where existing properties are re-developed, the new use should use either existing car park facilities in the town centre, or provide off road car parking of their own where this is not possible

8.1.4. As the former use was not in the aforementioned classes, a marketing assessment would not be required although the Council's Business Rates team confirms that the property has been empty since December 2020. There would be no reduction in overall retail uses, and when taking into account the current economic climate Officers support the reuse of a vacant property which would be better in a

sustainable use than being a gap in the retail frontage. In terms of Policy E3 the scheme is considered to be compliant

8.2. Additional Policy Background

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

8.2.1. National Planning Policy Framework (2021)

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

8.2.1. South Ribble Local Plan

8.2.1.1. Policy G17 (Design) 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.

8.2.1.2. Policy F1 (Parking Standards) requires all development to provide off road parking in some form to adoptable standards

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 an allocated retail centre. Changes to both outside and interior are minimal other than for erection of necessary extraction infrastructure and minor changes to the shop front. Extraction plant would be located at the rear in a private service yard, and on a wall where the same is already present. The proposal would also allow for continued use and local employment albeit in a different form. In design terms the scheme is considered acceptable and is unlikely to impact negatively on the character and appearance of the area.

9. Conclusion

9.1. 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**

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:

- . Planning statement
- . Environmental Noise Survey and Noise Impact Assessment for Proposed Fixed Plan (Acoustic Consultancy Partnership: 11676/Rev 0)

Proposal Drawings

- o Existing front elevations (RDS 1.3)
- o Existing general arrangement (RDS 1.1)
- o Existing rear elevation (RDS 1.4)
- o HVAC general arrangement (Ashworth 0000/M/100/B)
- o Location Plan (RDS 1.0)
- o Proposed ground floor (RDS 2.0)
- o Proposed front elevation (RDS 2.1)

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. Prior to first use of the premises as a hot food takeaway, noise mitigation as detailed in approved Environmental Noise Survey and Noise Impact Assessment for Proposed Fixed Plan (Acoustic Consultancy Partnership: 11676/Rev 0) shall be installed and retained thereafter unless otherwise agreed with the local planning authority

REASON: In the interests of the amenity of neighbouring residents in accordance with Local Plan Policy G17

4. The premises hereby approved, shall not be open to customers outside the hours of 11am to 11pm daily unless otherwise agreed in writing with the Local Planning Authority

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

5. Any construction works associated with the development shall not take place except between the hours of: 0800 hrs to 1800 hrs Monday to Friday, and 0800 hrs to 1300 hrs Saturday

No construction works shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing with the Local Planning Authority

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

RELEVANT POLICY

NPPF National Planning Policy Framework

South Ribble Local Plan

E3 Leyland Town Centre

F1 Car Parking

G17 Design Criteria for New Development

Note:

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