

Application Number 07/2021/00884/FUL

Address 51 Hough Lane
Leyland
Preston
Lancashire
PR25 2SA

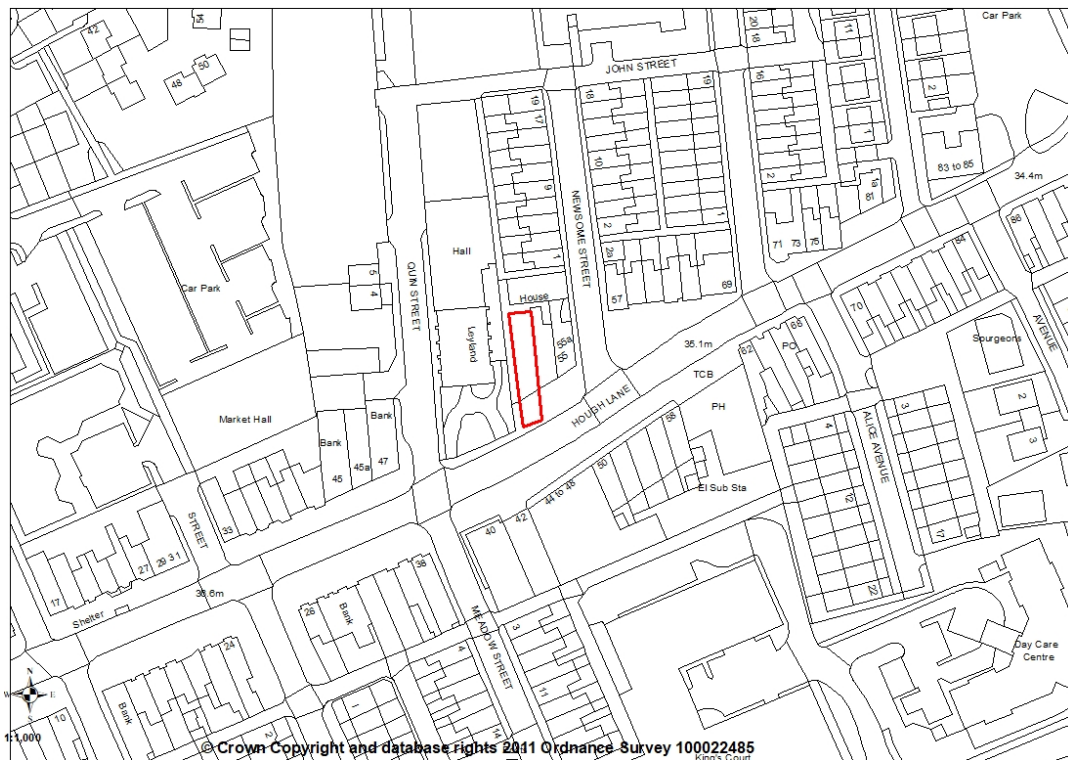
Applicant Wine & Beer Co Ltd

Agent Mr David Perry
Extended Design Limited
97 The Farthings
Astley Village
Chorley
PR7 1SH
United Kingdom

Development Change of use to Class E(b) (Sale of food and drink for consumption (mostly) on the premises) incorporating a new shop frontage and outside seating area

Officer Recommendation Approval with Conditions
Officer Name Emma Sheppard

Date application valid 19.10.2021
Target Determination Date 14.12.2021
Extension of Time



1. Introduction

1.1 The application is being presented to Committee under the 'Terms of Reference for Planning Committee' within the 'Councils Constitution' given the nature of the proposal for food and drink uses.

2. Report Summary

2.1 The application site relates to an end terraced property which fronts Hough Lane within the principal shopping frontage of Leyland Town Centre. The unit is currently vacant with its previous use being retail.

2.2 The two neighbouring units to the east are both in commercial use with a recruitment agency at first floor. Leyland URC church, a Grade II listed building, lies beyond the site to the west.

2.3 Planning permission is sought to change the use of the ground floor to Use Class E(b), (Sale of food and drink for consumption mostly on the premises) and provision of an outdoor seating area.

2.4 Policy E3 of the Local Plan seeks to maintain and enhance the viability and vitality of Leyland town centre with specific regard given to enhancing the evening economy. The application site is within the principal shopping frontage and will accord with the requirements.

2.5 During the application process, amendments were carried out to facilitate issues raised by the Environmental Health Officer. The proposal includes the installation of an external flue to the western elevation.

2.6 No objections have been received from members of the public. There are no highway objections. Environmental Health require a number of conditions be imposed to mitigate against any potential impact to neighbouring residents in terms of noise and disturbance and odours. It is considered that, with the requested conditions, the proposed development is acceptable in this town centre location and the application is recommended for approval.

3. Application Site and Surrounding Area

3.1 The application relates to 51 Hough Lane which is an end terraced property designated as primary shopping frontage within the Leyland Town Centre boundary. The property is two storey in nature with a single storey projection that extends across the three properties of which it forms part. The property was last used as a charity shop and is now vacant. The adjacent unit is in use as a betting shop whilst the property at the opposite end has recently become a wine bar. At first floor there is a recruitment agency, therefore in commercial use.

4. Relevant Planning History

07/2021/00885/ADV – Proposed replacement fascia sign with external illumination – Approved with conditions

07/2015/1671/FUL – Formation of new shop front – Approved with conditions

07/1988/0343 – Change of use from retail to office for estate agency and financial services (A2) – Approved with conditions

07/198/0649 – First floor offices; external staircase; single storey rear extension and alterations to external appearance – Approved with conditions

5. Planning Proposal

5.1 The application proposes the change of use of a vacant retail premises, E(a) (formerly A1) premises to use class E(b) for the sale of food and drink for consumption mostly on the premises. To facilitate the use, there proposes the installation of a flue to the western side elevation and provision of an outdoor seating area to the frontage.

5.2 Internally the proposal will provide for an open plan seating and bar area to accommodate approximately 4no tables; 4no seating booths; reception area seating, a kitchen area, cellar and WC facilities. Externally the front forecourt will accommodate approximately 6no tables. This area is to be enclosed by a 0.95m high barrier constructed of coated steel posts and infill panels to the same design and general layout as no55.

5.3 The only alteration to the shopfront sees the lower section of the existing windows to be frosted.

5.4 The opening hours stipulated on the application forms state 12:00 noon to 01:00am on any day. Three full-time employees and 10no. part-time employees will operate the premises.

6. Summary of Publicity

Neighbouring properties were notified, and a site notice posted with no letters of representation being received.

7. Summary of Consultations

County Highways – No adverse impact upon car parking or highway safety. Sustainable town centre location. Frontage is not adopted highway.

Environmental Health – Original comments raised concerns with regards to odour extraction and noise. It is to be noted that additional information and amended plans were received. Whilst no further formal comments have been received, it is considered in this instance that with the imposition of several conditions, this will ensure issues are addressed prior to first use and that amenity is protected.

Police (DOCO) – No objections in principle subject to the submission of details surrounding certain security issues. The applicant addressed these during the course of the application. Updated comments stated that the security measures had been addressed in the details subject to a condition being imposed to ensure these are implemented.

8. Policy Background

South Ribble Local Plan

Policy E3: Leyland Town Centre is made up of both Primary and Secondary Retail Frontages. Within the Primary Retail Frontage, planning permission will be granted for new buildings, redevelopment of existing sites, extensions to, or change of use of existing buildings for the following uses:

- a) A1 (Retail Uses) which will be encouraged to achieve a minimum of 60% of the overall units within the Primary Retail Frontage;
- b) A3 (Café and Restaurant) uses and A4 (Drinking Establishments) uses to enhance the evening economy; and
- c) Other town centre uses including A2 (Financial and Professional Services) and

B1 (Offices) will be permitted where this would not harm the sustainability of the shopping area;

d) Living accommodation or B1 (Office) use will be permitted at first floor level.

The remaining area of the defined town centre is classified as the Secondary Retail Frontage. Uses in these areas will be protected and enhanced wherever possible for A1 (Retail Use), A3 (Cafés and Restaurants) and A4 (Drinking establishments) may be appropriate to maintain the vitality and viability of the area.

New buildings, redevelopment of existing sites, extensions and/or change of use of existing buildings in the Town Centre will either be expected to use existing car parking facilities within the town centre or provide the appropriate level of car parking based on their location and type of development as set out in Policy F1.

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 layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and will provide an interesting visual environment which respects the character of the site and local area; 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. Furthermore, any new roads and/or pavements provided as part of the development should be to an adoptable standard; the proposal would sustain, conserve and where appropriate enhance the significance, appearance, character and setting of a heritage asset itself and the surrounding historic environment. Where a proposed development would lead to substantial harm or loss of significance of a designated heritage asset, planning permission will only be granted where it can be demonstrated that the substantial public benefits of the proposal outweigh the harm or loss to the asset; and the proposal would not have a detrimental impact on landscape features such as mature trees, hedgerows, ponds and watercourses. In some circumstances where, on balance, it is considered acceptable to remove one or more of these features, then mitigation measures to replace the feature/s will be required either on or off-site.

Central Lancashire Core Strategy

Policy 11: Retail and Town Centre Uses and Business Based Tourism

Retail and other town centre uses of a scale appropriate to the retail hierarchy and in sustainable locations will be supported, provided that the development respects the character of the centre, including its special architectural and historic interest and assists in maintaining its existing retail function.

The key elements of the hierarchy are:

- City Centre: Preston
- Principal Town Centres: Leyland and Chorley
- District Centres: Bamber Bridge, Clayton Green, Longton, Penwortham and Tardy Gate, and those proposed at Buckshaw Village and Cottam

Retail and town centre uses will be delivered in the following ways:

- (a) Delivering a mixed-use scheme to facilitate the regeneration of the Tithebarn Regeneration Area of Preston.

- (b) Encouraging other retail, office and leisure investment of an appropriate scale in Preston city centre, so as to retain its role as the largest retail, commercial and service centre in the Lancashire as a whole.
- (c) Maintaining and improving the vitality and viability of Chorley town centre by building on the success of the Market Walk shopping centre, through investing in further retail development, supporting a range of other retailers and services, as well as improving the centre's appearance and accessibility.
- (d) Maintaining and improving the vitality and viability of Leyland town centre, in particular the accessibility, design and environmental improvements put forward in the Leyland Town Centre Masterplan.
- (e) Maintaining, improving and controlling the mix of uses in the existing District and Local Centres and proposed centres at Strategic Sites and Locations, so as to appropriately serve local needs.
- (f) Focussing main town centre uses in the defined town centres.
- (g) Supporting city and town centre development providing for tourists and visitors, particularly business based tourism.

Policy 16: Heritage Assets

Protect and seek opportunities to enhance the historic environment, heritage assets and their settings by:

- a) Safeguarding heritage assets from inappropriate development that would cause harm to their significances.
- b) Supporting development or other initiatives where they protect and enhance the local character, setting, management and historic significance of heritage assets, with particular support for initiatives that will improve any assets that are recognised as being in poor condition, or at risk.
- c) Identifying and adopting a local list of heritage assets for each Authority.

Policy 17: Design of New Buildings

The design of new buildings will be expected to take account of the character and appearance of the local area, including the following:

- (a) siting, layout, massing, scale, design, materials, building to plot ratio and landscaping.
- (b) safeguarding and enhancing the built and historic environment.
- (c) being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the amenities of the local area.
- (d) ensuring that the amenities of occupiers of the new development will not be adversely affected by neighbouring uses and vice versa.
- (e) linking in with surrounding movement patterns and not prejudicing the development of neighbouring land, including the creation of landlocked sites.
- (f) minimising opportunity for crime, and maximising natural surveillance.
- (g) providing landscaping as an integral part of the development, protecting existing landscape features and natural assets, habitat creation, providing open space, and enhancing the public realm.
- (h) including public art in appropriate circumstances.
- (i) demonstrating, through the Design and Access Statement, the appropriateness of the proposal.
- (j) making provision for the needs of special groups in the community such as the elderly and those with disabilities.
- (k) promoting designs that will be adaptable to climate change, and adopting principles of sustainable construction including Sustainable Drainage Systems (SuDS); and
- (l) achieving Building for Life rating of 'Silver' or 'Gold' for new residential developments.
- (m) ensuring that contaminated land, land stability and other risks associated with coal mining are considered and, where necessary, addressed through appropriate remediation and mitigation measures.

9. Material Considerations

9.1 Principle/Impact on Town Centre

9.1. The application site fronts Hough Lane and is designated as Primary Retail Frontage within Leyland Town Centre. Local Plan Policy E3, criterion b) advises that, within the Primary Retail Frontage, planning permission will be granted a change of use of an existing building for an A3 (Café and Restaurant) use to enhance the evening economy. Since the Local Plan was adopted, the Use Classes Order was updated in 2020. The proposed use now falls within Class E(b), Sale of food and drink for consumption (mostly) on the premises, which is akin to the previous use class. The proposal is therefore fully in compliance with this policy in terms of use.

9.2 Character/Appearance

9.2.1 Policy G17 of the South Ribble 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 whilst Policy 17 of the Core Strategy expects new buildings to 'take account' of the character and appearance of the local area'.

9.2.2 To facilitate the use, there aren't to be any alterations to the front elevation of the unit save for the lower part of the existing glazing to be frosted. There does, however, propose the installation of an external flue. Amended plans were received during the course of the application demonstrating that this is to be installed on the western side elevation. This is to have a diameter of 0.4m; a height of 7.8m and will be of stainless steel construction. The flue will project 1m above the ridge line of the property but will be set back 13.9m from the main front elevation. The latter ensures that views of the flue will be only be visible in small glimpses when approaching the site.

9.2.3 The application site lies on a key route through Leyland Town Centre and is therefore highly visible in this regard. There also proposes the provision of an external seating area to the site's frontage. This is to be enclosed by a 0.95m high barrier which is to be permanent in nature. It will comprise of coated steel posts with infill panels. The proposed seating area and associated works to the front would assimilate visually with that at no.55 Hough Lane. Given the amount of space at the front, the seating area would not create an impression of overdevelopment.

9.3 Residential Amenity

9.3.1 The application site comprises a ground floor unit fronting Hough Lane within Leyland town centre at the end of a row of commercial premises. The upper floor of these premises is also in commercial use as a recruitment agency. A number of residential properties are located on Newsome Street beyond the site to the north-east. The nearest property is sited approximately 11m from the rear boundary. Therefore, the proposed development has the potential to adversely affect these neighbouring properties, due to the nature of the proposal and the proximity to these residents.

Policy 17 of the Central Lancashire Core Strategy seeks to ensure that that the amenities of occupiers of the new development will not be adversely affected by neighbouring uses and vice versa. The main issues that arise from such uses is that of noise and disturbance and this is considered below.

9.3.2 Noise and Disturbance

The proposal has the potential to create noise and disturbance issues and as such Environmental Health were consulted on the proposal and have requested conditions be

imposed to mitigate against the potential impacts from noise and disturbance, particularly as the proposal includes an external seating area.

In particular, Environmental Health raise concerns with regards to noise from the extraction system proposed. Extraction and Ventilation systems can also cause noise issues to neighbouring residents. Given the proposed use, and during the course of the application, further details were submitted along with amended plans demonstrating the installation of a flue to the western side elevation. It has to be noted that Environmental Health considered the explanation to satisfy some of the original concerns raised. However, whilst the details of the fan and a silencer have been submitted, there was no calculation of any noise impact or confirmation that the system will achieve the sound levels. An amended noise impact assessment was submitted from the applicant further to this. Whilst no further comments have been received from the Environmental Health Officer to date in respect of this, it is considered, on balance, that a condition is to be imposed ensuring that prior to the first installation of the ventilation system, 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.

Given the proposal is to include the provision of an external flue, and the relationship with the neighbouring properties to the rear, a condition is to be imposed to ensure that the hours of use of the extraction system is limited to 21:00hours.

The first floor above the proposed development is in commercial use, currently used by Drivers Direct, a business concerns with the recruitment and placement of professional drivers. A condition requiring details of works to prevent sound transference from the ground floor to the first floor is not considered necessary due to the first floor being in commercial use and not a residential property.

It is considered pertinent to impose similar conditions to those at no.55 given the proposal and siting and to appear consistent in this regard. Other noise mitigation measures include conditions to restrict the hours of deliveries; the hours when waste can be removed from the premises and a condition to ensure that doors and windows remain closed during the hours of operation, apart from ingress and egress. Environmental Health also stated to restrict the use of the outside area up until 22:00 on any day. This too would be in line with that imposed to no.55. Further to this, conditions are to be imposed relating to the noise from any music ensuring that all amplified or live music, including incidental background music shall be played through a sound limiting device which is set in conjunction with the Council's Environmental Health Department and no installation of external speakers to the outside area.

9.3.4 Odour

Extraction System also have the potential to create odour issues. During the course of the application, amended plans were received proposing the installation of an external flue. No details were submitted with regards to the system for the extraction. It is considered that this can be imposed via a condition ensuring details are submitted prior to commencement of development with mitigation measures identified.

9.4 Highway safety/Car parking

9.4.1 In terms of parking provision, Policy E3 advises that the change of use of existing buildings in the Town Centre will either be expected to use existing car parking facilities within the town centre or provide the appropriate level of car parking based on their location and type of development as set out in Policy F1.

9.4.2 The application property has no official dedicated parking although there is currently some forecourt parking available. None is proposed. There are a number of Town Centre car parks in the area and time limited on street parking along Hough Lane. There is also limited parking available along the adjacent side streets. The site is located within the District centre, therefore in a highly sustainable location with good access to public transport and within easy walking distance of the wider area.

9.4.4 Whilst the proposed outdoor seating area will see the loss of some forecourt parking that currently exists, this will be akin to that at no55 Hough Lane. Given that this area is not within the adopted highway, County Highways raise no objections.

9.5 Heritage

9.5.1 The United Reformed Church lies adjacent to the site boundary to the west and is designated as a Grade II Listed Building, therefore, the impact on this heritage asset is a consideration. The church is set back from the highway with a walled garden area at its front.

9.5.2 Policy G17 criteria d) requires that development proposals sustain, conserve and where appropriate enhance the significance, appearance, character and setting of a heritage asset itself and the surrounding historic environment.

9.5.3 The church is surrounded by commercial properties in a variety of uses. Due to it being set back from the building line of Hough Lane and the fact that it has a walled garden to its front, this provides some separation for the church from its neighbouring uses. The single storey element of the application site projects further forward than the church with the flue to be installed 13.9m back from the main front elevation. This is to terminate 1m above the existing ridge height. Given the siting and nature of the proposal, there will be little view of the proposed development from the church. It is considered that the proposal accords with Policy G17 criteria d) in that it does not lead to substantial harm to or loss of its significance.

9.7 Security/Crime

9.7.1 In order to prevent and fight crime and to keep communities safe and people safe, it is crucial that robust security features and crime reduction measures are designed into this scheme as early as possible.

9.7.2 Whilst this is a small restaurant development, any premise that forms part of the night time economy that includes the sale of alcohol, must have a robust security strategy in place. This venue will be open until 1am on some days of the week. The applicant submitted details in respect of should t boundary proposals for the rear; provision of CCTV; windows and doors to be security rated; and installation of lighting. This can be secured through a condition ensuring details are submitted prior to first use. The DOCO was consulted and was satisfied with the details submitted. A condition is to be imposed ensuring implementation.

10. Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Although the application property is in close proximity to residential properties, it is considered that, with the imposition of conditions, the proposal is acceptable, particularly as the site lies within the Town Centre and complies with Policy E3. Therefore, the application is recommended for approval subject to the imposition of conditions.

Recommendation: Approve subject to 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 submitted approved plans:

2161/01 Site location plan

2161/02B, Existing and proposed floor plans and elevations, as amended and received on 21st January 2022

2161/03b Proposed elevations showing flue and barrier to external seating area, as amended and received on 21st January 2022

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

3. No development shall take place until details relating to the specific extraction system have been submitted to and approved in writing by the Local Planning Authority

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

4. Prior to the installation of any ventilation system 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

5. The proposed development may only operate between the hours of 12:00 noon to 01:00am on any day.

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

6. The extraction system shall not be operated beyond 21:00 hours on any day

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

7. No deliveries shall be received by the site between the hours of 22:00 and 07:30 Monday to Friday, 09:00 and 13:00 Saturdays. No deliveries shall be received on Sundays or Bank Holidays.

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

8. No waste shall be removed from the premises between the hours of 22:00 and 08:00 on any day.

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

9. All amplified or live music, including incidental background music shall be played through a sound limiting device. The device shall be set in conjunction with the Council's Environmental Health Department and shall be fitted with a tamper-proof system.

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

10. All doors and windows shall remain closed during the hours of operation, except for ingress and egress.

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

11. The outside seating area shall not be used after 22:00 hours on any day so not to cause a nuisance to nearby residential properties.

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

12. No external speakers shall be installed to the external seating area.

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

13. There shall be no external floodlighting or patio heaters installed in the outside area.

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

14. There shall be no external refrigeration or air handling units installed, unless otherwise agreed in writing by the Local Planning Authority

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

15. Prior to the first use of the development hereby approved, the measures outlined in the Security Strategy shall be implemented in full and retained in perpetuity

REASON: In the interests of public safety and in compliance with Policies 17 and 26 of the Central Lancashire Core Strategy and

Relevant Policy

Note:
