

**Application Number** 07/2022/00358/VAR

**Address** 249B Station Road  
Bamber Bridge  
Preston  
Lancashire  
PR5 6LD

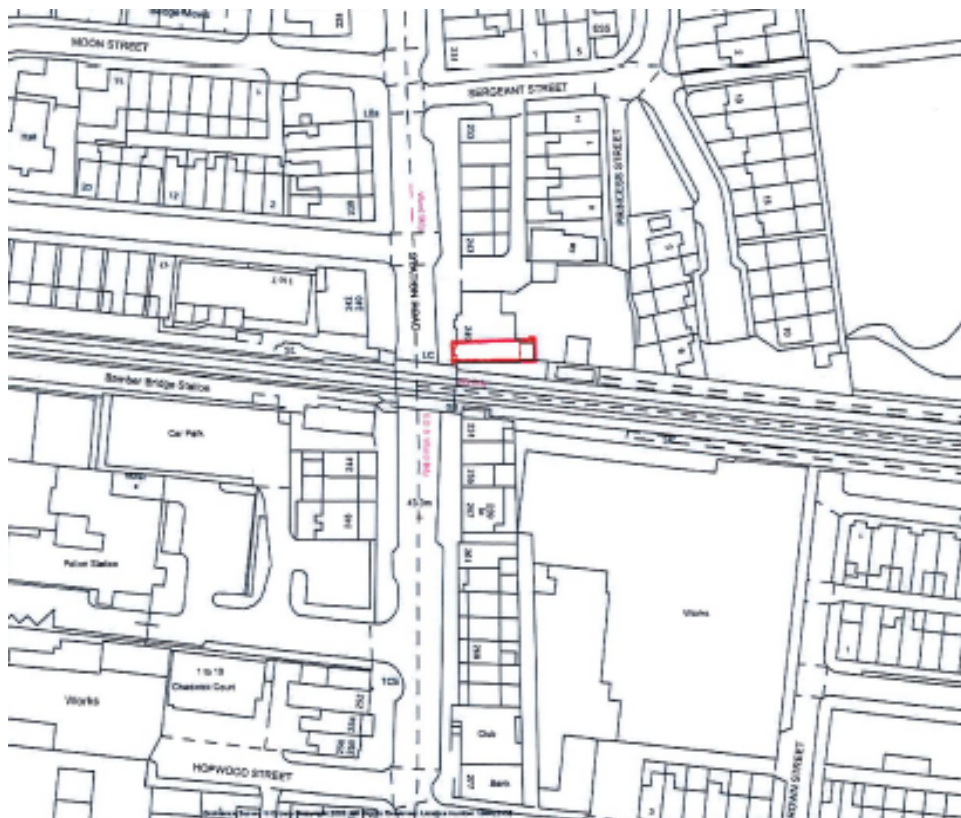
**Applicant** Ashvestments Ltd

**Agent** Stephen Fish  
  
216 St Georges Road  
Bolton  
BL1 2PH

**Development** Application to Vary Condition No. 8 (Live Music Hours) and No. 10 (Opening Hours) of planning permission 07/2021/00205/FUL

**Officer Recommendation** **Refusal**  
**Officer Name** **Mrs Linda Ashcroft**

Date application valid 12.05.2022  
Target Determination Date 07.07.2022  
Extension of Time



## **1. Report Summary**

1.1 This application proposes the variation of Condition No. 8 (Live Music Hours) and No. 10 (Opening Hours) of planning permission 07/2021/00205/FUL. The property was previously part of the Lancs and Yorks public house which received planning permission under 07/2021/00205/FUL for a change of use to a bar. The site is outside of the Bamber Bridge District Centre and in a mixed use area where residential properties and commercial properties are intermingled. Due to the close proximity of residential dwellings and the nature of the use, the proposed extended hours of live music and opening hours has the potential to adversely affect the amenities of these neighbouring properties by virtue of noise and odour

1.2 Environmental Health have confirmed that they are not aware of any fundamental changes to substantiate the variation of Condition No. 8 and 10 and therefore the application is recommended for refusal.

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

2.1 The application relates to a drinking establishment located on the eastern side of Station Road in Bamber Bridge. The site is immediately adjacent the railway line and was part of the former Lancs and Yorks public house which was sub-divided and converted to retail and a car hire premises following permission in 2015.

2.2 The site is within the Existing Built-up Area of Bamber Bridge and lies some 50m to the south of the Bamber Bridge District Centre.

## **3. Planning History**

07/1993/0406 Externally Illuminated Signage Scheme. CONS 16/07/1993  
07/1993/0284 New Porch, Altered Entrance and Disabled Access Ramp. APV 11/06/1993  
07/2001/0057 Rear extension that includes kitchen and disabled WC facility APV 09/03/2001  
07/2013/0599/COU Change of use from (Class A4 Drinking Establishment) to (Class A1 Retail) APC 02/12/2013  
07/2014/0026/FUL Erection of part single and part two storey detached building to create a Convenience store (Class A1) following demolition of existing Public house (Class A3) APC 28/04/2014  
07/2015/0797/FUL Change of Use of part of ground floor from public house to vehicle hire centre office together with the erection of a vehicle valeting bay to rear car park (amended description) APC 19/05/2015  
07/2020/00103/FUL Change of use from residential flat to Beauticians APC 17/04/2020  
07/2021/00205/FUL Change of Use from Retail (Class A1) to a Bar (Sui Generis) together with alterations to front elevation (Amended Layout and Description) APC 11/06/2021

## **4. Proposal**

4.1 The application proposes the variation of Condition No. 8 (Live Music Hours) and No. 10 (Opening Hours) of planning permission 07/2021/00205/FUL.

4.2 Condition No. 8 states:

*“As per the noise assessment accompanying the application, live music shall not be permitted before 17.00 hours on any day.*

*Reason: In the interests of the amenity and to safe guard the living conditions of the nearby residents in accordance with Policy 17 in the Central Lancashire Core Strategy”*

4.3 The application is seeking to vary this condition to extend the hours of indoor performance of live music from 10:00 to Midnight Monday to Sunday and for the performance

of recorded music indoors from 10:00 to 12:30 Monday to Wednesday and 8:00 to 01:30 Thursday to Sunday.

4.4 Condition No. 10 states:

*“The proposed development shall not open to the public outside the hours of 08:00 and 00:00*

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

4.5 The application is seeking to vary this condition to amend opening hours to 10:00 to 12:30am Monday to Wednesday, 10:00 to 01:30 Bank Holidays and 08:00 to 01:30 Thursday to Sunday.

## **5. Summary of Publicity**

5.1 Neighbouring properties have been notified and a site notice posted with four letters of representation being received objecting for the following reasons:

- ❑ Excessive noise currently is causing disturbance and nuisance from loud thumping DJ music with heavy bass;
- ❑ Noisy patrons in external areas after 11pm and at weekends from 8pm until midnight;
- ❑ Not adhering to approved hours;
- ❑ Use of ginnel at the back of our houses as a toilet;
- ❑ Music is getting louder;
- ❑ Noise and disturbance is having a negative impact with regards to adequate sleep and privacy being maintained;
- ❑ Loss of privacy;

## **6. Summary of Consultations**

**6.1 Environmental Health** comment that nothing has fundamentally changed to substantiate the variation of Condition No. 8 and 10 to extend hours of Live Music and opening times.

## **7. Policy Background**

**7.1 Policy B1: Existing Built-Up Areas** permits development proposals for the re-use of undeveloped and unused land and buildings, or for redevelopment, provided that the development complies with the requirements for access, parking and servicing; is in keeping with the character and appearance of the area; and will not adversely affect the amenities of nearby residents

## **8. Material Considerations**

8.1 The application property is within the Existing Built-Up Area where Policy B1 permits the re-use of unused buildings provided that the development complies with the requirements for access, parking and servicing; is in keeping with the character and appearance of the area; and will not adversely affect the amenities of nearby residents. Conditions 8 and 10 were imposed to safeguard the living conditions of the nearby residents and amenity.

### **8.4 Residential Amenity**

8.4.1 In terms of residential amenity, the use of the premises as a drinking establishment has the potential to create noise and disturbance to neighbouring residential properties, particularly late into the evening.

8.4.2 Condition No. 8 restricted the playing of live music until after 17:00 hours on any day which was primarily due to the use of the first floor as office accommodation. The application now proposes to extend these hours from 10:00 to Midnight Monday to Sunday.

8.4.3 Condition No. 10 is seeking to change the opening hours from 08:00-00:00 to 10:00-12:30am Monday to Wednesday, 10:00-01:30 Bank Holidays and 08:00-01:30 Thursday to Sunday.

8.4.4 To the north along Station Road are a terrace of residential cottages with further residential properties to the rear on Princess Street. Station Road to the south and opposite is more mixed with commercial properties together with residential properties. The first floor (249C) element of the application site is in commercial use.

8.4.5 Neighbouring residents have objected, amongst other things, to excessive noise and disturbance presently being experienced from the premises.

8.4.6 The view of the Environmental Health service is that there have been no fundamental changes to substantiate the approval of this application.

**9. Conclusion**

9.1 For the reasons set out above, it is considered that the proposal to Vary Conditions No. 8 and 10 will have a detrimental impact upon nearby residents and occupiers of the commercial premises at first floor and as such is contrary to Policy B1 in the Local Plan and therefore recommended for Refusal.

**RECOMMENDATION:**

Refusal.

**REASONS FOR REFUSAL:**

- 1. The proposal will have a detrimental impact upon nearby residents and occupiers of the commercial premises at first floor by virtue of undue noise and disturbance and as such is contrary to Policy B1 in the Local Plan.

**RELEVANT POLICY**

**POLB1 Existing Built-Up Areas**

**Note:**

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