

Application Number 07/2022/00358/VAR

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

Applicant Ashvestments Ltd

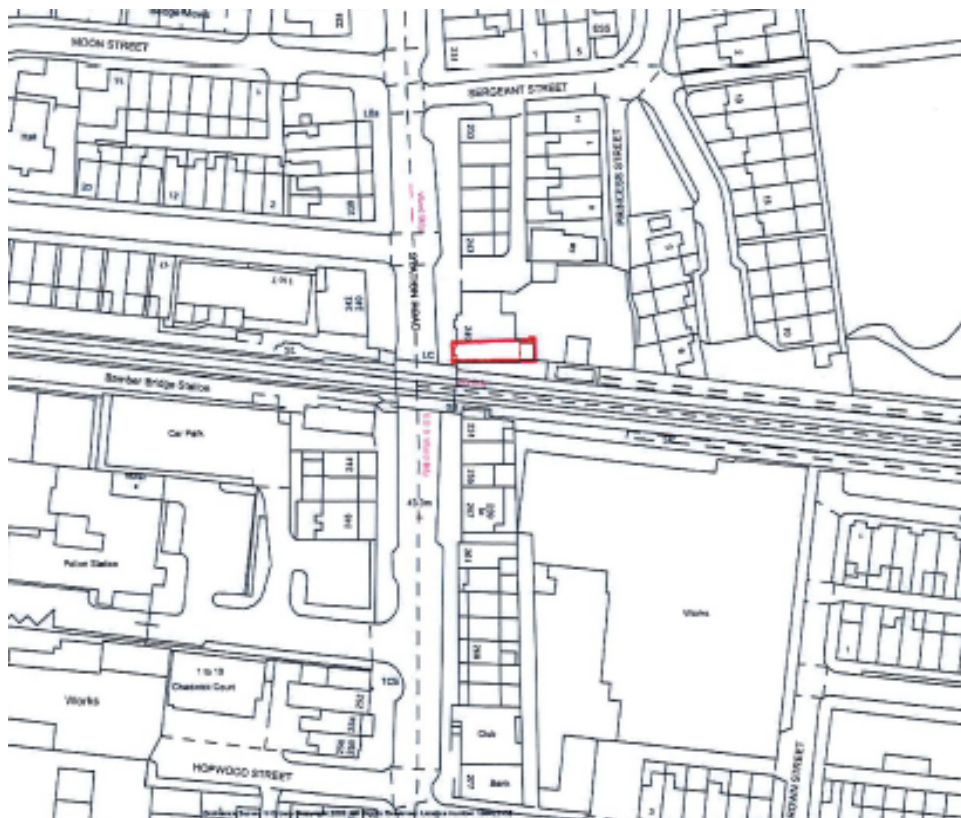
Agent Stephen Fish

216 St Georges Road
Bolton
BL1 2PH

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

Officer Recommendation **Approval with Conditions**
Officer Name **Mrs Linda Ashcroft**

Date application valid 12.05.2022
Target Determination Date 09.09.2022
Extension of Time 09.09.2022



1. Report Summary

1.1 This application was deferred at the 28th July Planning Committee to allow further discussions to take place

1.2 The application has been amended and now proposes the variation of Condition No. 10 (Opening Hours) only 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 opening hours has the potential to adversely affect the amenities of these neighbouring properties by virtue of increased noise.

1.3 Environmental Health have confirmed that the proposed development has the potential to adversely affect nearby noise sensitive receptors, including those to the rear of the premises and therefore request a temporary permission for a period of 12 months.

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.10 (Opening Hours) of planning permission 07/2021/00205/FUL.

4.2 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”

4.3 The application is seeking to vary this condition to amend opening hours to Sunday to Thursday 08:00 to 00:00; Friday and Saturday 08:00 to 01:00.

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;

5.2 Following the amendment, neighbouring properties have been re-notified for a further 14 days, which expires on the 8 September. Any further comments received up to the date of the Committee meeting will be reported separately.

5.3 At the time of submitting the amendment the applicant has forwarded four letters in support from neighbouring residents/businesses confirming that:

- ☐ Never had any noise complaints or problems with the running of your business;
- ☐ Opening on Friday and Saturdays until 1am wouldn't have a negative impact on my business;
- ☐ Sound proof doors are closed to minimise noise and disruption to close neighbours;
- ☐ No complaints about noise, litter or drunken behaviour;
- ☐ Staff are very pleasant who run a very clean and organised business;

6. Summary of Consultations

6.1 **Environmental Health** confirmed that the proposed development has the potential to adversely affect nearby noise sensitive receptors, including those to the rear of the premises and therefore request a temporary permission for a period of 12 months which would allow time to monitor the extended hours of operation to assess whether this leads to any problems and complaints.

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. Condition No. 10 was imposed to safeguard the amenity of the nearby residents.

8.2 Residential Amenity

8.2.1 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.

8.2.2 The application is seeking to vary Condition No. 10 to amend opening hours from 08:00-00:00 daily to Sunday to Thursday 08:00 to 00:00; Friday and Saturday 08:00 to 01:00 which in effect is to permit opening for an extra hour until 01:00 on a Friday and Saturday.

8.2.3 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.

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

8.2.5 The view of Environmental Health is that the proposed development has the potential to adversely affect nearby noise sensitive receptors, including those to the rear of the premises and therefore request a temporary permission for a period of 12 months.

9. Conclusion

9.1 For the reasons set out above, it is considered that the proposal to Vary Condition No. 10 for a temporary period of 12 months will not unduly impact upon nearby residents and occupiers of the commercial premises and as such accords with Policy B1 in the Local Plan and therefore recommended for Approval.

RECOMMENDATION:

Approval with Conditions.

RECOMMENDED CONDITIONS:

1. The use of the premises hereby approved shall be restricted to the hours of 08:00 to 00:00 Sunday to Thursday and 08:00 to 01:00 Friday and Saturday for a temporary period of twelve months from the date of this permission. The hours of use thereafter shall be discontinued and opening hours shall revert to the times permitted by Condition No. 10 of planning permission 07/2021/00205/FUL unless otherwise agreed in writing with the local planning authority.
Reason: To allow trial of revised operating hours and in the interests of the amenities of adjoining residents and to accord with Policy 17 in the Central Lancashire Core Strategy
2. The development, hereby permitted, shall be carried out in accordance with the submitted approved plans Dwg ASH/PL/03 Existing and Proposed Plans
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development
3. The external rear yard to be used by patrons shall be restricted to the area detailed within the approved plan Dwg ASH/PL/03. The external areas shall not be available to use by the public / patrons after 23.00 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
4. During the site preparation and construction of the development no machinery, plant or powered tools shall be operated outside the hours of 08:00 to 18:00 Monday to

Friday 09:00 to 13:00 on Saturdays. No construction shall take place at any time on Sundays or nationally recognised Bank Holidays.

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

5. No deliveries of construction materials or removal of construction waste shall be undertaken outside the hours of 09:00 to 17:00 Monday to Friday. No deliveries or removal of waste shall be carried out at weekends or nationally recognised Bank Holidays.

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

6. Prior to the installation of any external fixed mechanical plant, equipment, air conditioning units and/or condenser units or extraction systems being installed on the premises full details of the siting and 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

7. The proposed bi-fold doors to the front of the premises shall be restricted to use as an emergency exit and shall remain closed after 17.00 hours on any day. All other external doors shall be kept closed at all times after 17.00 hours on any day, apart from for access or egress from the building.

All windows serving the ground floor of the proposed development shall be kept closed after 17.00 hours each day

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

8. 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

9. As per the noise assessment accompanying the application, there shall be no live or recorded music played within external area of the proposed development.

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

10. As per the noise assessment accompanying the application the external courtyard shall be provided with a 1.8m high, close boarded wooden fence around the perimeter of the courtyard. The courtyard fence shall be constructed prior to the first use of the development.

The fence shall be constructed to have no cracks or gaps and be continuous to the ground. Once constructed, the fence shall be maintained as per this specification.

If the fence must include a gate to provide an emergency exit then the gate shall be constructed to the same specification. The gate must remain closed at all times other than for use as an emergency exit.

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

11. There shall be no flood lighting or heaters installed in the outside area without prior consent from 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

12. Waste collections shall not occur outside the hours of 07:00 to 21:00 Monday to Friday and 09:00 to 13:00 Saturdays. There shall be no collections on Sundays and nationally recognised Bank Holidays.

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

13. Prior to the commencement of any future hot food preparation on site an odour assessment shall be undertaken and submitted to the local planning authority for approval. The odour assessment shall consider the impact from the proposed development on surrounding premises, together with detailed information on any proposed mitigation measures to minimise the impact of odour from the development. Until the odour assessment and proposed mitigation measures are agreed in writing there shall be no hot food preparation permitted as part of the proposed development.

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

RELEVANT POLICY

POLB1 Existing Built-Up Areas

Note:
