

Application Number 07/2022/00778/FUL

Address 16 Liverpool Road
Penwortham
Preston
Lancashire
PR1 0AD

Applicant Mr Antony Anderson
Preston Pub Co Ltd
16 Liverpool Road
Penwortham
PR1 0AD

Development Removal of condition 4 to allow for patio heaters
and Variation of Condition 14 of planning
permission 07/2019/6994/COU to extend the
hours of operation.

Officer Recommendation Approval with Conditions

Date application valid 09.03.2022
Target Determination Date 04.05.2022
Extension of Time N/A

Location Plan



1. Report Summary

1.1 The application relates to the drinking establishment known as 16 On The Hill and proposes the erection of a pergola structure to the forecourt of the premises fronting Liverpool road

1.2 The proposal has been considered by Environmental Health who require a condition is imposed to restrict the hours of use of the outside area. However, the parent permission for the change of use of the premises to a drinking establishment included such a condition so the proposed condition has been amended to relate to the pergola only.

1.3 No objections from residents have been received

1.4 The application is recommended for approval subject to the imposition of conditions.

2. Site and Surrounding Area

2.1 The application relates to a commercial property located on the corner of Liverpool Road and Priory Lane in Penwortham and at the crossroads junction with Cop Lane, which is an Air Quality Management Area. The property was used as a café with seating to the forecourt area on Liverpool Road before changing to a drinking establishment, known as 16 On The Hill. The area is predominantly commercial in nature and is within the Penwortham District Centre. Some residential properties are located to the north on Priory Lane and above some of the commercial properties. Diagonally opposite is the locally listed Water Tower, a residential property with the Grade II listed Fleece Inn to its west. Both these properties are within the Penwortham Conservation Area.

3. Planning History

07/1991/0448 Non-illuminated Shop Sign at First Floor Level. CONS 31/07/1991

07/2016/1336/TPD Notification for prior approval for a change of use from Class (A1) to Class (A3) PRI 10/01/2017

07/2019/6994/COU for the change of use of from an A3 Restaurant/Café to a Class A4 Drinking Establishment. Approved

07/2022/00148/VAR for the variation of condition 4 to allow for patio heaters to be installed and condition 14 to extend the hours of operation. Approved

4. Proposal

4.1 the application is for the erection of a pergola structure to the front. The structure would measure 2.9m by 3.8m to a height of 2.4m and will be sited on the forecourt fronting Liverpool Road. It would be constructed in metal.

5. Summary of Publicity

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

6. Summary of Consultations

Environmental Health advise that, further to investigations, the following condition should be imposed if the development has planning permission granted.

Any outside area to be used by patrons, shall be restricted to the area immediately outside the building facing Liverpool Road. This area shall only be used between the hours of 11:00 hours to 20:00 for the consumption of food and drink.

7. Policy Background

7.1 **Policy E4: District Centres** seeks to protect and enhance the district centres to maintain their vitality and viability. Planning permission will be granted for new buildings, redevelopment of existing sites, extensions to, or change of use of existing buildings for A1 Retail Use, which will be encouraged to achieve a minimum of 60% of the overall units and A3 Café and Restaurant uses. Applications for other district centre uses including A2 Financial and Professional Services, A4 Drinking Establishments and B1 Offices will be permitted where this would not harm the sustainability of the shopping area.

7.2 **Policy F1: Parking Standards** requires all development proposals to provide car parking and servicing space in accordance with the parking standards adopted by the Council. In general, parking requirements will be kept to the standards as set out unless there are significant road safety or traffic management implications related to the development of the site.

The parking standards should be seen as a guide for developers and any variation from these standards should be supported by local evidence in the form of a transport statement. Where appropriate, some flexibility will be factored into the standards in relation to the specific local circumstances.

7.3 **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.

7.4 **Central Lancashire Core Strategy Policy 17**, among other things, seeks to ensure that new development is (c) sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the amenities of the local area and (d) that the amenities of occupiers of the new development will not be adversely affected by neighbouring uses and vice versa.

7.5 **Penwortham Town Plan** advises that *“The Central Lancashire Core Strategy designates in Policy 11 District Centres and the South Ribble Local Plan identifies Liverpool Road, Penwortham, as a District Centre (Policy E4), and sets out its boundary in Appendix 7 of the NDP. The purpose of these policies to prevent an over proliferation of non-retail uses at the expense of retail provision within the centre is supported. It recognises that it is important to the vitality and viability of the District Centre that the retail strength and appearance of these frontages is retained.*

It is acknowledged that there will be both considerable change, but also opportunities, when the Penwortham By-pass is completed. This will reduce through traffic and allow for improvement to the retail environment. In addition, the former Government Offices site on Cop Lane provides, through the extant planning permission, a potential new retail store with additional parking to serve the centre. It is also recognised that the Borough Council has committed to carrying out initial improvements in the centre.

The need for an overall improvement plan for the centre is recognised and the Town Council will work with both the Borough and County Councils to prepare and implement such an Improvement Plan.”

8. Material Considerations

8.1 Background

8.1.1 The application property had been used since 2016 as a café known as 'Bread and Butter' and was subject to a change of use permission in July 2019 from an A3 Restaurant/Café to a Class A4 Drinking Establishment. Following the changes to the Town and Country Planning (Use Classes) (Amendment)(England) Regulations 2020, an A4 Drinking Establishment now falls within a Sui Generis use.

8.1.2 A number of conditions were imposed on the change of use permission. Condition 4 stated there could be no flood lighting or patio heaters installed in the outside area without prior consent from the Local Planning Authority. Condition 14 restricted the hours of use to the hours of 11:00 and 23:00 Monday to Friday, 11:00 and Midnight on Saturday and 12:00 and 23:00 on Sundays and Bank Holidays.

8.1.4 Planning application 07/2022/00148/VAR, to remove condition 4 in order to allow for the use of patio heaters and to extend the hours of operation so they align with the Premises License was approved

8.2 Residential Amenity

8.2.1 At first floor above 16 On The Hill is a commercial property although there are residential apartments above the adjacent Craft and Crust and Gin Jar Ale premises.

8.2.2 Condition 9 was imposed on the parent permission for the change of use of the premises to a drinking establishment, as follows:

Any outside area to be used by patrons, shall be restricted to the area immediately outside the building facing Liverpool Road. This area shall only be used between the hours of 11:00 hours to 20:00 for the consumption of food and drink.

8.2.3 In order to protect residential amenity, Environmental Health request that the same condition is imposed on this current application should permission be granted. However, as the restriction of the hours of use of the outside area is already in place, and, in order to meet the test for imposing conditions, it is proposed to amend Environmental Health's request to relate solely to the pergola, as follows, as the original condition remains in place to be complied with.

The use of the pergola hereby approval shall only be used between the hours of 11:00 hours to 20:00 for the consumption of food and drink.

8.2.4 Together with the previous amended condition 4, the proposal will enable greater use of the external area during the colder months. As the hours of use is restricted by condition 9, this will not have a greater impact on residential amenity than exists at present.

8.3 Character and Appearance

8.3.1 The proposed pergola is a simple structure constructed in metal. It is limited in size to 2.9m by 3.8m and does not cover the entire external forecourt.

8.3.2 Neighbouring bars/restaurants have external seating areas, and whilst not covered, are enclosed and some have large umbrellas. It is considered the proposal will not have any undue impact on the character or appearance of the area in which it is set.

8.4 Conclusion

8.4.1 For the reasons set out in this report, it is considered that the erection of a pergola structure to the forecourt fronting Liverpool Road is acceptable and the application is recommended for approval subject to the imposition of conditions.

9. Recommendation

Approval with Conditions.

10. 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 Dwg 2010 Proposed Plan and Elevations

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

3. The use of the pergola hereby approval shall only be used between the hours of 11:00 hours to 20:00 for the consumption of food and drink.

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

11. Relevant Policy

E4 District Centres

G17 Design Criteria for New Development