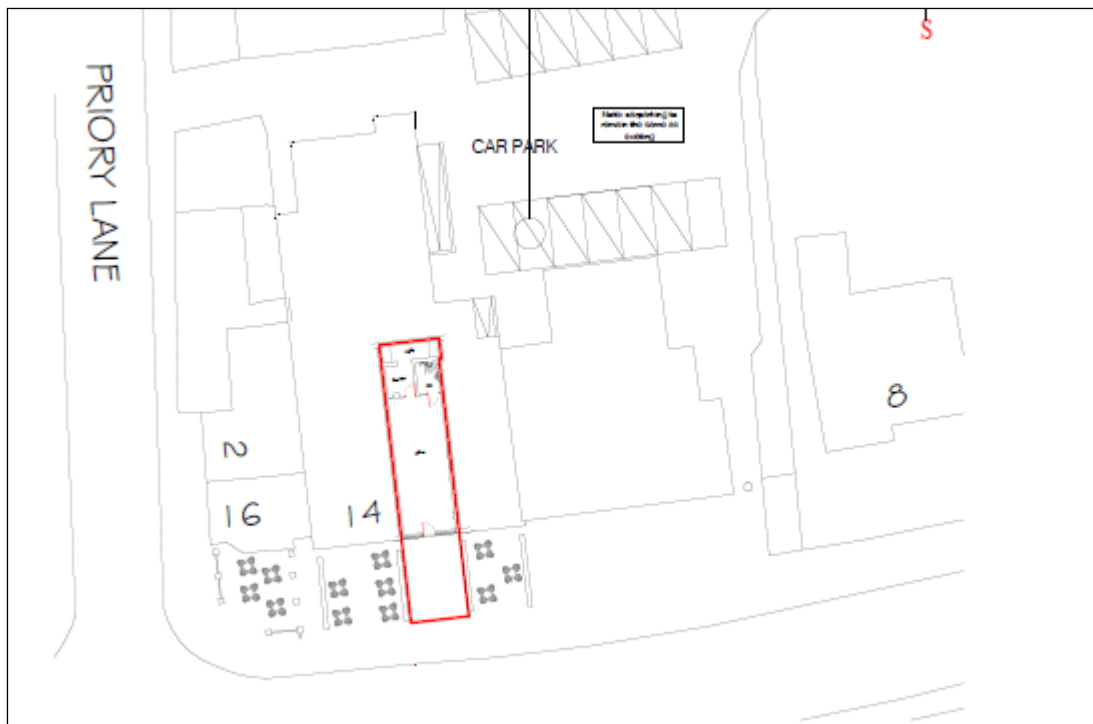


Application Number	07/2023/00685/VAR
Address	14B Liverpool Road Penwortham Preston Lancashire PR1 0AD
Applicant	Stemson Mckeown Distillery Limited
Development	Variation of condition 9 of planning permission 07/2023/00172/FUL to allow for the external seating area to be used until 22:00hrs
Officer Recommendation	Refusal
Date application valid	15.09.2023
Target Determination Date	10.11.2023
Extension of Time	

Location Plan



1. Report Summary

1.1 The application proposes a variation of condition 9 of planning permission 07/2023/00172/FUL to allow for the external seating area to be used until 22:00 hours.

1.2 At first floor there are residential apartments and Environmental Health have objected to the extended use of the external area as it would impact on the residential amenity of the occupants of the apartments.

1.3 Whilst it is acknowledged that the application property is within the Penwortham District Centre, opposite the Tesco supermarket and close to the crossroads junction of

Liverpool Road/Priory Lane/Cop Lane, it is considered that the use until 22:00 hours would encroach late into the evening when residents could be expected to enjoy a good level of residential amenity. As such the proposal is considered to be contrary to Policy 17 in the Central Lancashire Core Strategy and the application is therefore recommended for refusal.

2. Site and Surrounding Area

2.1 The application relates to the centre unit, one of 3 units formed from the former Booths supermarket premises which was refurbished and sub-divided to form a restaurant and 2 retail premises. Both of the retail premises have since changed their use to drinking establishments with the adjacent unit operating as the Gin Jar Ale and this application unit operating as Fairham Gin.

2.2 The property is close to the crossroads junction of Liverpool Road, Priory Lane and Cop Lane, which is an Air Quality Management Area. The area is predominantly commercial in nature and is within the Penwortham District Centre.

2.3 Residential apartments are above some of the commercial premises with further residential properties located to the north on Priory Lane. Opposite is the Tesco supermarket. 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

3.1 There are a number of planning permissions dating back to the 1970's when the premises was operating as a supermarket but are not relevant to this current application. Those that are:

07/2004/0950 Change of use of first floor from retail storage (Class A1) to two residential flats (Class C3). Approved

07/2018/8006/FUL Conversion to form 3 units. Change of use from A1 (retail) to A3 (restaurant) for 1 unit and 2 units to remain A1 (retail). New shop front, windows, doors and cladding. Approved

07/2023/00172/FUL Change of Use from Retail (Class E) to a drinking establishment (Sui Generis). Approved

4. Proposal

4.1 The application proposes the variation of condition 9 of planning approval 07/2023/00172/FUL. Condition 9 restricted the hours of use of the external area as follows:

The external seating area shall not be used between the hours of 20:00 and 10:00 on any day so not to cause a nuisance to nearby residential properties.

4.2 The proposal is to extend the use until 22:00 hours.

5. Summary of Publicity

5.1 Neighbouring properties were notified, and a site notice posted with 3 letters of representation being received in support of the proposals, as follows:

- Penwortham is good for people who like nightlife. By agreeing do this extension to 10pm will make more vibe in the community not like the big corporation pub across the road allow to stay open to 10pm

- Liverpool Road is thriving and to let bars stay on the front till late will be brilliant. Some of the bars are small inside and need the outdoor seating will be great to help them take more custom.
- Will be a great asset

5.2 Additionally, one letter of objection was received, commenting as follows:

Allowing use of external areas until 10pm has potential to become a noise nuisance to neighbouring residents. If this is passed then neighbouring bars are also likely to apply for extended use of outside areas and before we know it we could potentially have 5 drinking establishments, within a very concentrated area, with patrons on the roadside creating noise into the late evening.

6. Summary of Consultations

6.1 **Environmental Health** advise that, further to investigations, the premises are in very close proximity to residential properties, in particular the flats above. The current restriction at 20:00 hours preserves the amenity of residents close to the application premises. As evening/night-time progresses the background sound levels in the area will begin to drop off, which will exacerbate any intrusive patron noise due to use of the external seating area.

6.2 Environmental Health's recommendation is to refuse the application to extend the use of the external seating area, to prevent loss of amenity to residents in the near vicinity.

6.3 **County Highways** have no objections to the variation of condition 9 and consider the proposals should have a negligible impact on highway safety at this district centre location.

6.4 **Licensing** have no objections to the proposed changes but the applicants would need to amend their premises licence in-line with their proposal.

7. Material Considerations

7.1 The application property is part of the former Booths supermarket which was refurbished and sub-divided to form a restaurant, now operating as the 1260 Craft and Crust, and 2 retail premises which have since changed use to drinking establishments known as Fairhams and The Gin Jar Ale. This application relates to Fairhams, the centre unit.

7.2 A similar application is currently pending for Gin Jar Ale to extend the hours of use of the external area which will be considered at the same planning committee as this application. A further application for the extension in the hours of use of the external area at the 1260 Craft and Crust premises at 14C is also pending but this will be dealt with under delegated powers as it is a restaurant not a drinking establishment.

7.3 At first floor there are residential apartments. Directly above the application property is part of an apartment and an external amenity area. The majority of the apartment is above the adjacent Craft and Crust premises with the application unit being mainly below the amenity area to the first floor apartments.

7.4 Environmental Health advise that, further to investigations, the premises are in very close proximity to residential properties, in particular the flats above. The current restriction at 20:00 hours preserves the amenity of residents close to the application premises. As evening/night-time progresses the background sound levels in the area will begin to drop off, which will exacerbate any intrusive patron noise due to use of the external seating area.

7.5 Environmental Health's recommendation is to refuse the application to extend the use of the external seating area, to prevent loss of amenity to residents in the near vicinity.

7.6 As such the proposal is considered to be contrary to Core strategy policy 17.

8. Conclusion

8.1 Whilst it is recognised that the premises are within the Penwortham District Centre where Local Plan Policy E4 seeks to protect and enhance the district centres to maintain their vitality and viability, it is considered that the impact on the residential amenity of the occupants of the first floor apartments would outweigh the benefits of extending the hours of use of the external area. The proposal is therefore considered to be contrary to policy 17 criteria c) and d) in the Central Lancashire Core Strategy and as such is recommended for refusal.

9. Recommendation

9.1 Refusal.

10. Reason for Refusal

10.1 The proposal to vary condition 9 to extend the hours of use of the external area until 22:00 will have a detrimental impact of the residential amenity of the residential properties at first floor contrary to policy 17 criteria c) and d) in the Central Lancashire Core Strategy.

11. RELEVANT POLICY

Central Lancashire Core Strategy Policy 17: Design of New Buildings

South Ribble Local Plan Policy E4: District Centres

Penwortham Town Neighbourhood Development Plan