

Application Number

07/2023/00952/VAR

Address

16 Liverpool Road
Penwortham
Preston
Lancashire
PR1 0AD

Applicant

Mr Antony Ian Anderson

Development

Variation of condition 3 of planning approval
07/2022/00778/FUL to extend the hours of use of the
pergola until 22:00 hrs

Officer Recommendation

Approval with Conditions

Date application valid
Target Determination Date
Extension of Time

05.12.2023
30.01.2024

Location Plan



1. Report Summary

1.1 The application relates to the drinking establishment known as 16 On The Hill and proposes the variation of condition 3 of planning approval 07/2022/00778/FUL to extend the hours of use of the pergola until 22:00 hrs.

1.2 This application is associated with 07/2023/00722/VAR for the variation of conditions 9 and 11 of planning approval 07/2019/6994/COU as varied by 07/2022/00148/VAR to allow for the external seating area to be used until 22:00hrs. The application will be considered along with this application.

1.3 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
07/2022/00778/FUL for the erection of a pergola. Approved
07/2023/00722/VAR for the variation of conditions 9 and 11 of planning approval
07/2019/6994/COU as varied by 07/2022/00148/VAR to allow for the external seating area to be used until 22:00hrs

4. Proposal

4.1 Planning permission 07/2022/00778/FUL was granted for the erection of a pergola structure to the front of the 16 On The Hill Premises. Condition 4 was imposed to restrict the hours of use of the pergola until 20:00 in the evenings, in line with conditions 9 and 11 of the change of use planning approval when the premises changed from a café to a drinking establishment. For clarity, condition 3 is set out below:

'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.'

5. Summary of Publicity

5.1 Neighbouring properties were notified and a site notice posted with no letters of representation being received as the time of compiling this report. Any representations received will be reported either verbally or by way of an update sheet.

6. Summary of Consultations

6.1 No consultation was carried out.

7. Material Considerations

7.1 Background

7.1.1 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.

7.1.2 A number of conditions were imposed on the change of use permission with conditions 9 and 11 restricting the hours of use of the external seating area, as follows:

Condition 9: "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."

Condition 11: "Table and chairs provided to the outside area shall only be provided between the hours of 11:00 to 20:00. Outside of these hours they must be removed to prevent their unauthorised usage."

7.1.3 Application 07/2023/00722/VAR is pending for the variation of conditions 9 and 11 and that application will be considered along with this application.

7.1.4 However, it was noted that a further separate planning permission 07/2022/00778/FUL was granted for the erection of a pergola structure to the front. Condition 4 was imposed on that permission to restrict the hours of use of the pergola until 20:00 in line with conditions 9 and 11 of the change of use permission. For clarity, condition 3 is set out below:

'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.'

7.1.5 Therefore, this application is required to vary condition 3 to allow the use of the pergola until 22:00hrs along with conditions 9 and 11 of planning approval 07/2023/00722/VAR and will be considered at the same planning committee meeting.

7.2 Residential Amenity

7.2.1 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.

7.2.2 Conditions 9 and 11 were imposed on the change of use permission in order to protect residential amenity. However, given that the first floor is a business premises and with reference to the 2 drinking establishments at 14 Liverpool Road, known as The Gin Jar Ale and Fairham's, together with the Craft and Crust restaurant, it would be inconsistent to now restrict the use of this drinking establishment's outside seating area and pergola until 20:00 hours. It is therefore considered that this application is acceptable.

7.3 Conclusion

7.3.1 Together with the previous amended condition 4 which allowed for patio heaters to be installed, the associated variation of conditions 9 and 11 to extend the hours of use of the external seating area, this proposal will enable greater use of the external area. Given that the first floor is in commercial use and the fact that neighbouring premises are allowed to use their outside areas until 22:00hrs, this application is recommended for approval.

7.4 Recommendation

7.4.1 Approval with Conditions.

7.5 Recommended Conditions

1. 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
2. The outside seating area covered by the pergola shall only be used for the consumption of food and drink between the hours of 11:00am to 22:00pm.
REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy

7.6 Relevant Policy

E4 District Centres

G17 Design Criteria for New Development