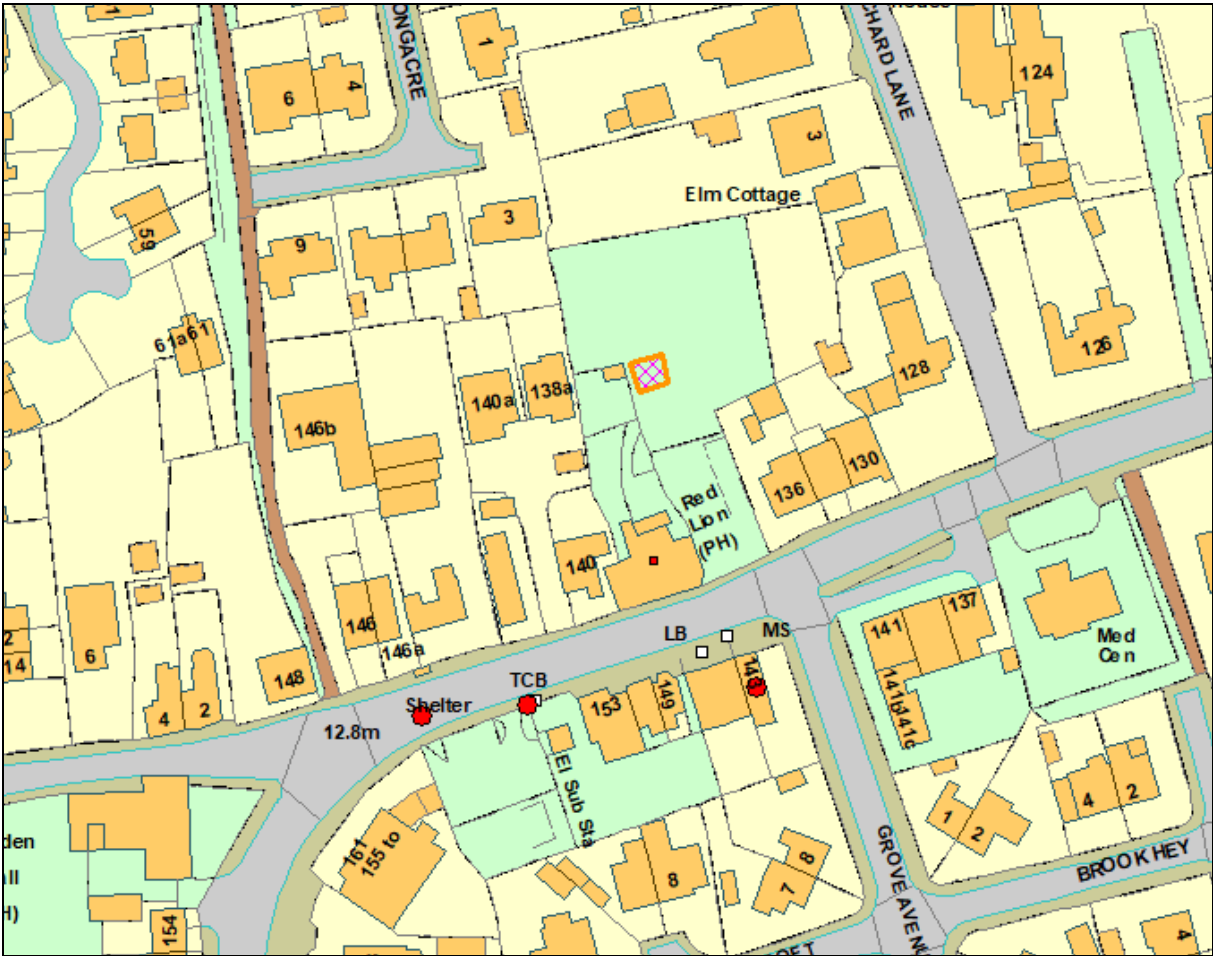


Application Number	07/2023/00975/FUL
Address	138 Liverpool Road Longton Preston Lancashire PR4 5AU (Red Lion Hotel)
Applicant	Mr Aaron Millar
Agent	Mr R Spencer RS Design Consultancy Ltd River Lodge Walton Green, Walton le Dale
Development	Retrospective change of use of land for retention of food truck (Use Class Sui Generis)
Officer Recommendation	Approval with Conditions
Date application valid	28.11.23
Target Determination Date	23.01.24
Extension of Time	04.02.24



1. Report Summary

1.1. The applicant seeks retrospective permission for change of use of land for retention of a purpose built, hot food takeaway trailer. (Use Class Sui Generis) as described at section 4 below.

1.2. In response to publicity three letters of support received. Concerns raised by statutory consultees have been dealt with by condition.

1.3. In policy and spatial separation terms the proposal is considered compliant and having regard to the comments of statutory bodies and the following commentary, it is recommended that the application should be **approved subject to the imposition of conditions**.

2. Application Site and Surrounding Area

2.1. The application refers to the rear car park of the Red Lion; a public house located on the northern side of Liverpool Road, Longton. Facing is Grove Avenue, whilst to either side and to the rear are residential properties. Surrounding are screened outside grassed areas, and a large car park bound by fences and trees. All areas are accessed from the eastern side.

2.2. The site and immediate surroundings are within land designated by Local Plan Policy B1 (Existing Built-Up Area)

3. Site Context / Planning History

The site has a long planning history. The only application of relevance to this proposal is 07/2021/00932/FUL for proposed kitchen vent for new first floor kitchen. Refused Feb 2022 for the following reason:

It has not been demonstrated that noise from the proposed kitchen vent would not impact upon the residential amenity or living conditions of neighbouring residents or to the character of the area. The proposal is therefore contrary to Policies B1 and G17 of the South Ribble Local Plan

4. Proposal

4.1. The applicant seeks retrospective permission for change of use of land for retention of a purpose built, hot food takeaway trailer. (Use Class Sui Generis)

4.2. 'Smokies' food truck is 2.1m x 5m x 2.7m high, and is located towards the sites centre at the rear of the pub. It would remain static and is proposed for use from 4pm to 9pm Wednesday to Sunday. If approved a condition to that effect is recommended.

4.3. In addition, 2 chilled storage cabinets and 2 storage cabins used in connection with the takeaway business are located north of the truck.

5. Representations

5.1. Summary of Publicity

5.1.1. A site notice has been posted, and 7 neighbouring properties consulted. Three letters of representation made in support. Comments in summary are:

- Owner of adjacent café supports – a great new addition to the village.

- Site is located within a car park and is well run.

6. Summary of Responses

6.1. **Lancashire County Council Highways** has no objections to the proposal.

6.2. Environmental Health recommend conditions to restrict hours of operation, and pre use approval of an odour extraction system. As the business is already in use without the benefit of planning permission, a condition requiring this information to be provided within two months is considered reasonable.

7. Material Considerations

7.1. **Design/Character of the Area** - South Ribble Local Plan Policies B1 (Existing Built-Up Area) and Policy G17 (Design Criteria for New Development) support proposals for redevelopment subject to those proposals being in keeping with the character and appearance of the area and being protective of the amenities of nearby residents. Development should also not have any negative impact upon highways or pedestrian safety, the extended locale or the natural environment.

7.2. The wider site has an established commercial history, and proposed changes are typical of those found on such a site. Despite there being a number of scattered ancillary structures these and the truck would only be visible to a handful of properties outside of the site boundaries. In visual terms therefore, there would be limited impact upon the character and appearance of the area.

7.3. Traffic to the site would increase as some customers will inevitably visit in a vehicle, but the truck has been in situ for some time without apparent issue. There are no enforcement cases logged on either environmental health or planning enforcement registers.

7.4. An odour assessment has not been provided but can be secured by condition.

7.5. **Relationship to Neighbours** - No: 140 sits 29m to the southwest of the proposal, whilst no 136 and 130 sit across the south-east access at around 26m and 34m away respectively. East across the existing car park are the side elevations of no. 128 Liverpool Road, Elm Cottage and 3 Orchard Lane – approx. (45m distance) The side elevation of Regina Cottage (north) is around 44m away. Loss of amenity to these properties which are well screened is unlikely.

7.6. The closest properties are no: 138a Liverpool Road, which is around 13m west, but screened in part by the pubs grassed area and its boundary wall/fence, and no 3 Longacre – 30m north-west. This property is similarly screened. Retention of the truck is unlikely to negatively impact on the amenities of these residents.

The application site sits within a tight knit locale, but when balancing the existing against the proposed, levels of visual amenity are expected to be similar to those which already exist.

8. Conclusion

8.1. In policy and spatial separation terms the proposal is considered compliant, and having regard to the above it is recommended that the application should be **approved subject to the imposition of conditions.**

RECOMMENDATION:

Approval with Conditions.

1. The development, hereby permitted, shall be carried out in accordance with the submitted approved plans Dwg PR-01/23/616 (RS Design)

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

2. The use of the food truck/premises hereby approved shall be restricted to the hours of

- Weds and Thursday - 4pm - 9pm
- Friday and Saturday 2pm - 9pm
- Sunday 2pm - 8pm

REASON: In the interests of the amenities of adjoining residents and to accord with Policy 17 in the Central Lancashire Core Strategy

3. An assessment of the potential impact of odour from the development including any proposed mitigation measures shall be submitted to the Local Planning Authority within two months from the date of this decision and agreed in writing. The approved measures shall be implemented in full within one month of that agreement (where the truck remains in continuous use), or prior to first use (where use of the truck has already ceased) and shall be retained and maintained in full working order thereafter for the duration of the approved use.

The assessment shall include, but not be limited to:

- Operational hours
- Discharge heights
- Sound levels produced by the system.
- Anticipated sound levels at the nearest noise sensitive property
- Full details of all grease and odour control systems
- Maintenance plan for the system

Any changes to the approved scheme must first be agreed with the local planning authority.

Reason: In the interests of the amenity and to safeguard the living conditions of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy and the NPPF.

Advice: Information on the suggested contents of the scheme is available from South Ribble Borough Council's Environmental Health Department