

Application Number 07/2024/00091/VAR

Address 249b Station Road
Bamber Bridge
Preston PR5 6LD

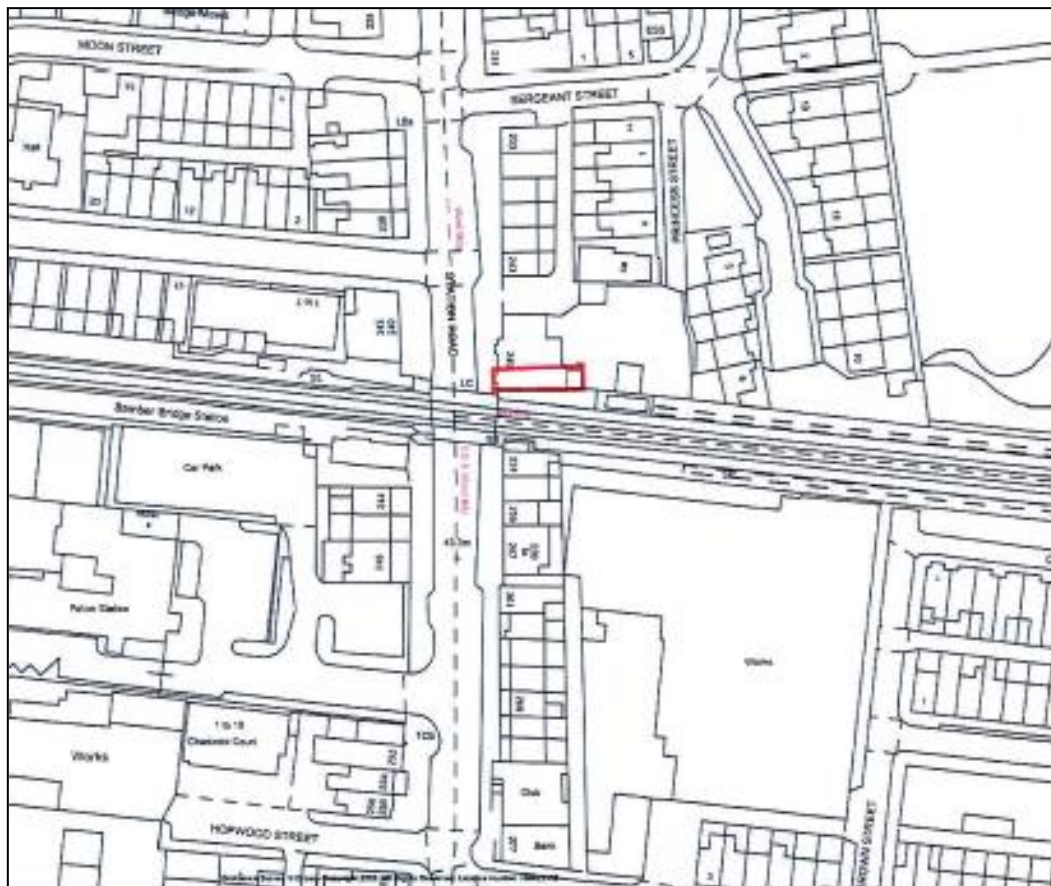
Applicant Ashvestments Ltd

Agent Mr S Fish
Fish Associates Ltd

Development Variation of condition 10 imposed on permission 07/2021/00205/FUL for change of use from retail (Class A1) to a bar (Sui Generis) together with alterations to front elevation (Amended Description).

Officer Recommendation **Condition Varied**

Date application valid 05.02.24
Target Determination Date 01.04.24
Extension of Time None



1. Report Summary

1.1 The application relates to a drinking establishment located on Station Road, Bamber Bridge. Permission was granted in 2022 for a 12-month trial period extension of approved hours of operation. The application now for consideration initially sought to remove the condition altogether, but following discussions with the applicant, the proposal has been amended to vary the condition as described in section 4 below.

1.2 Environmental Health confirm that subject to the agreed time restriction, there should be no significant noise impact to nearby residents.

1.1. In response to two rounds of publicity, representation has been received from one resident.

1.2. In policy and spatial separation terms, the proposal is considered compliant and having regard to the comments of statutory bodies and the above 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 relates to a drinking establishment located on Station Road, Bamber Bridge. The site immediately abuts the railway line and was part of the former Lancs and Yorks public house which was sub-divided – the adjacent unit having been 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. Site Context / Planning History

Of relevance to this proposal, are:

- ☐ 07/2013/0599/COU - Change from drinking establishment to retail) Approved Feb 2013.
- ☐ 07/2014/0026/FUL Part single/part two storey detached building to create convenience store following demolition of existing public house. Approved April 2014.
- ☐ 07/2015/0797/FUL Change of part of ground floor from public house to vehicle hire centre office together with erection of vehicle valeting bay to rear car park (amended description) Approved May 2015.
- ☐ 07/2020/00103/FUL Change from residential flat to Beauticians Approved April 2020.
- ☐ 07/2021/00205/FUL Change from retail to a Bar together with alterations to front elevation (Amended Layout and Description) Approved June 2021.
- ☐ 07/2022/00358/VAR – Variation of condition 10 (Opening Hours) of permission 07/2021/00205/FUL. Approved Sept 2022 for 12-month trial temporary

4. Proposal

4.1 The application proposes variation of Condition No.10 (Opening Hours) of planning permission 07/2021/00205/FUL (as temporarily varied by permission 07/2022/00358/VAR – condition 1).

4.2 Condition No. 10 of the original permission 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 Condition 1 as varied by permission 07/2022/00358/VAR for a temporary trial period of one year reads as:

*'The use of the premises hereby approved shall be restricted to the hours of **08:00 to 00:00 Sunday to Thursday, 08:00 to 01:00 Friday and Saturday and 08:00 to 01:00 on Bank Holidays 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.

4.4. The applicant initially sought to remove condition 10 in its entirety. No justification as to why this is required was provided, but by removing the condition there would be no control over the premises opening hours other than restrictions imposed by associated conditions. As this effectively would allow for 24hr use the applicant has agreed to vary rather than remove the original condition.

4.5. The varied condition which would replicate times agreed during the trial period, but on a permanent basis and is proposed to read as follows:

*'The use of the premises hereby approved shall be restricted to the hours of **08:00 to 00:00 Sunday to Thursday, 08:00 to 01:00 Friday, Saturday and nationally recognised Bank Holidays** unless otherwise agreed in writing with the local planning authority.*

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

5. Representations

5.1. Summary of Publicity

5.1.1. Sixteen neighbouring properties were consulted on two occasions – the second following change of the description from removal to variation. Representation has been received from one resident of Princess Street (behind) who objects to the opening beyond midnight. Late representation will be reported verbally at committee.

6. Summary of Responses

6.1. Environmental Health object to removal of the condition as this allows for 24hr use which would impact on neighbouring amenity but suggest variation to the hours provided by the temporary permission as a suitable compromise.

6.2. Licencing verbally confirmed they have no objection.

7. Material Considerations

7.1. Site Allocation Policy

7.1.1. The site sits within the Existing Built-Up Area to which Local Plan Policy B1 refers. B1 supports the re-development of land and buildings provided that the development complies with plan 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.

7.2. Residential Amenity / Character and Appearance /Highways

7.2.1. In terms of residential amenity, the extended 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. Condition 10 was imposed to safeguard that residential amenity.

7.2.2. The temporary period of 12 months approved by the subsequent variation allowed the applicant's business to operate with extended opening hours, but in such a way that if issues were encountered this could be curtailed after a trial period.

7.2.3. Environmental Health and Licensing confirm that there have been no complaints relating to noise or issues resulting from this change, and there are no planning enforcement complaints against the property. That being said, the initial request to remove the condition altogether is felt to be excessive and would be likely to result in loss of amenity to nearby residents, and therefore the varied condition as detailed at Para 4.5 above is considered appropriate.

7.2.4. Changes proposed would not impact upon highway safety or capacity, or the character and appearance of the wider area.

7.2.5. On the basis that condition 10 would be varied rather than removed, this proposal is considered to be policy compliant.

8. Conclusion

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

8.2. Where an application to vary conditions is granted, the effect is the issue of a new planning permission, sitting alongside rather than as an amendment to the original permission, which remains intact and un-amended. For this reason, all earlier conditions which have not been discharged are carried forward.

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, Saturday and nationally recognised bank holidays unless otherwise agreed in writing with the local planning authority.
Reason: 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, and noise impact assessment (PEAK 29/04/2021 Rev
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. 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
5. 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
6. As detailed in approved noise impact assessment (PEAK 29/04/2021 Rev 0), 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
7. As detailed in approved noise impact assessment (PEAK 29/04/2021 Rev 0), there shall be no live or recorded music played within the 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 .
8. The courtyard fence described by approved noise impact assessment (PEAK 29/04/2021 Rev 0) 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
9. 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
10. 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 with1
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

National Planning Policy Framework

Central Lancashire Core Strategy

17 Design

South Ribble Local Plan

G17 Design Criteria for New Development