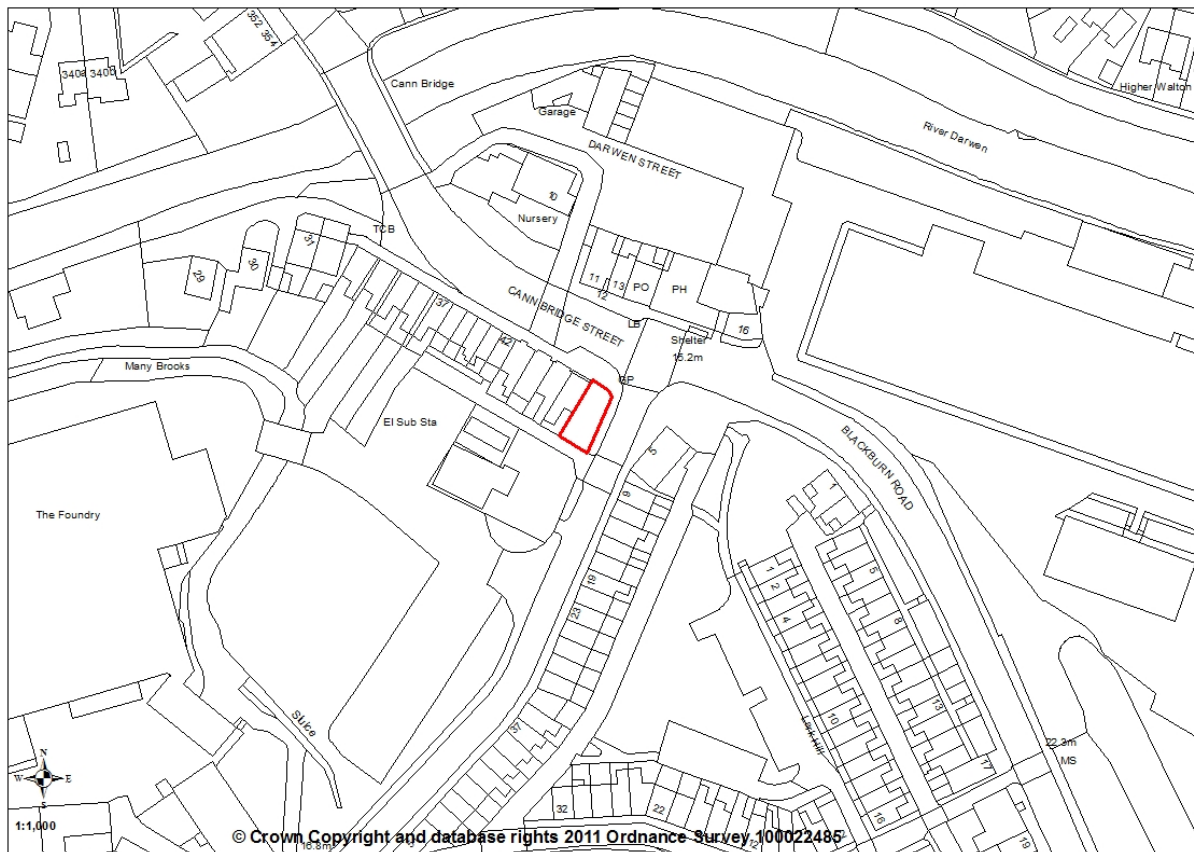


<b>Application Number</b>	07/2018/2675/FUL
<b>Address</b>	47 Cann Bridge Street Higher Walton Preston Lancashire PR5 4DJ
<b>Applicant</b>	Mr Haydn Williams
<b>Development</b>	Change of use from Class A3 (Cafe) to Class A4 (Public House) and minor alterations
<b>Officer Recommendation Officer Name</b>	<b>Approval with Conditions Mrs Debbie Roberts</b>
Date application valid	26.04.2018
Target Determination Date	21.06.2018
Extension of Time	N/A



## **1. REPORT SUMMARY**

1.1 The application refers to an end of terraced, traditional property formerly used as a café, and located at the corner of Cann Bridge Street, Higher Walton Road and Kittlingbourne Brow; a mixed use area designated under Policy E5 (Local Centres) of the South Ribble Local Plan.

1.2 The application proposes change of use of the ground floor from former café (Class A3) to micro pub and 'bottle shop' (Class A4).

1.3 Environmental Health have raised no objections to the proposal subject to the imposition of conditions detailed in this report to safeguard neighbour amenity.

1.4 Lancashire County Council Highways have no objections and is of the opinion that the proposed dwelling will offer negligible impact on highway safety or capacity

1.5 This proposal will be in keeping with the nature of the area and existing development, and is therefore considered to be in accordance with all relevant policies of the South Ribble Local Plan, Central Lancashire Core Strategy and National Planning Policy Framework. This proposal is recommended for approval subject to the imposition of conditions.

## **2. APPLICATION SITE AND SURROUNDING AREA**

2.1 The application refers to an end of terraced, traditional property formerly used as a café, and located at the corner of Cann Bridge Street, Higher Walton Road and Kittlingbourne Brow; a mixed use area designated under Policy E5 (Local Centres) of the South Ribble Local Plan.

2.2 Adjacent in the west are a café, retail unit and two hot food takeaways. The rest of the terrace appears to be in residential use. Two first floor flats are present within the application site, and above commercial premises on the terrace but a check of Council Tax records shows that none are currently occupied.

2.3 Facing across Kittlingbourne Brow in the east are retail units with residential properties running away to the south, and immediately to the rear is an alleyway beyond which are Higher Walton Glass and Coupe's Foundry. Facing across Cann Bridge Street are a number of commercial units with one residential property.

## **3. SITE HISTORY**

3.1 There are 3 planning applications on the history of this site:

- ② 07/1986/0467 – change of use of shop to cafe/restaurant (ground floor). Approved Nov 1986
- ② 07/1988/0816 - change of use of vacant shop to ground floor cafe and shop and first floor museum and craft centre. Approved Dec 1988
- ② 07/1995/0597 - Conversion of first floor showroom (Class A1) to form two self-contained flats (Class C3). Approved October 1995

## **4. PROPOSAL**

4.1 The application proposes change of use of the ground floor from former café (Class A3) to micro pub and 'bottle shop' (Class A4).

4.2 The 83m<sup>2</sup> pub and shop would be combined into one room, with storage and sanitary facilities to the rear. Access would be from both Cann Bridge Street (front) and Kittlingbourne Brow (side), but external alterations other than small security lights above the entrance doors (as required by Police), and a refrigeration vent on the rear elevation are not proposed.

4.3 The pub would sell predominantly cask ales, wines and spirits. Bar snacks would be available but cooked food is not proposed. The applicant states that there would be no gaming machines, amplified music would be at an ambient level and there would be only occasional hosting of un-amplified, folk groups – the ethos of the business being good beer and conversation for up to 70 people. Conditions to restrict noise emissions are recommended

4.4 The 'bottle shop' would be an ancillary retail function offering world ales for on and off site consumption.

4.5 Opening hours are proposed as 2pm – 11pm Weds & Thursday, 12pm – 11pm Friday, weekends and bank holidays. As the applicant wishes to review the situation as the business progresses, it seems sensible to allow opening from 12pm – 11pm each day rather than impose a restriction which may need adjusting at a later date; proposed times are shorter than those of adjacent licensed premises. Two part time employees are suggested

4.6 As with most of the retail premises in the vicinity there are limited areas for servicing and parking. There is however an area to the rear currently used for waste storage, a small layby available for parking to the front, and pay and display parking is available on Cann Bridge Street. The nature of the use is such that driving would also be actively discouraged

4.7 An advertisement scheme would be addressed if permission for change is granted. Future use of the pavement as a cordoned smoking area has also been mentioned in the applicants statement, but as this would require the permission of, and a pavement licence from Lancashire County Council, this point is not relevant at this time.

## **5. REPRESENTATIONS**

5.1 A site notice has been posted and eighteen neighbouring properties have been consulted but representation has only been made by three residents. Comments in objection are summarised as:

- ☒ *'There are already 2 public houses in Higher Walton and Spar already sells alcohol'*
- ☒ Proposal will exacerbate parking problems in the area
- ☒ Potential for anti-social behaviour, litter and noise pollution
- ☒ Property would be better in alternative use
- ☒ Issues with regards to live music

5.2 *Officer comment:* competition and proliferation of businesses in one area are not material planning considerations, and it is considered that parking problems which already exist, would be found in this area regardless of proposed or reversion to former use. If anything, problems might be reduced as clients would be discouraged from driving. Deliveries etc. would be necessary regardless of business. Conditions as suggested by Environmental Health are sufficient to control noise emissions from within the pub

## **6. CONSULTATION REPLIES**

**South Ribble Environmental Health** notes that the applicants statement that live and recorded music would be provided is contrary to the noise impact assessment. As such EH are mindful to suggest further noise assessment prior to a decision being made. To limit costs to the applicant however, he considers that the sensible use of conditions would be suitable control in lieu of additional testing. These refer to 'no amplified live music', recorded music being played via a sound limiting device and restrictions on opening times, waste removal/collection, refrigeration and use of external space. The applicant has agreed to these conditions

**Lancashire County Council Highways** have no objections and is of the opinion that the proposed dwelling will offer negligible impact on highway safety or capacity. They do note that the application indicates a bench to the front of the business which would be located on the adopted highway, and for which a separate LCC licence would be required.

**Lancashire Constabulary** offer general advice with regards to security

## **7. MATERIAL CONSIDERATIONS**

### **7.1 Site Allocation**

7.1.1 The site sits within Higher Walton Local Centre as allocated by Local Plan Policy E5. Within the Local Centre A1 (Retail) uses will be protected and enhanced wherever possible

in order to achieve a minimum of 60%. This is to maintain the vitality and viability of the centre and to prevent the over proliferation of non-retail uses at the expense of the retail offer, although it is important that a presence is retained within such areas to maintain footfall and by default the local economy. For this reason applications for other local centre uses including A2 (Financial and Professional Services), A3 (Cafés and Restaurants) and A4 (Drinking Establishments), and B1 (Offices) may be appropriate where it does not undermine the sustainability of the shopping area.

7.1.2 The South Ribble Retail Position Statement (Nov 17) seeks to maintain a minimum of 60% of A1 retail uses in all identified town, district and local centres. Higher Walton local centre comprises of 20 units. 22% are in A1 use, and 35% vacant units have the potential to be A1. As this proposal does not involve loss of a retail unit, and having regard to this relatively high, potential 57% A1 use, it is considered that the proposed change of use would be of benefit, rather than detrimental to the health of the local centre and its economy.

## 7.2 Economic Standpoint

**7.2.1 National Planning Policy Framework** - The overarching theme of the NPPF is one of presumption in favour of sustainable development; this includes building a strong and competitive economy. It states that local planning authorities should 'support existing business sectors to 'meet the development needs of business in an economy fit for the 21<sup>st</sup> century' (Para:20), and 'identify and plan for new and emerging sectors in the area offering flexibility to accommodate needs not anticipated in the plan and to allow rapid response to changes in economic circumstances' (Para :21). Para 23 of the framework notes also that planning should 'promote competitive town centres that offer customer choice and a diverse retail offer, reflecting the individuality of town centres' and that we should 'ensure that markets remain attractive and competitive'.

7.2.2 The application premises sit within an established local centre, and the proposal would support rather than impact upon local business by attracting people into the area. The micro-pub market is new and innovative, and although not specifically considered within the Development Plan itself, removes a vacant premises whilst offering a level of positive diversification to the local centre as a whole

**7.2.3 Core Strategy Policy 12 (Culture & Entertainment Facilities)** seeks to 'promote cultural and entertainment facilities within key centres' which 'are important in attracting visitors and investment to the area'. Para 9.29 of this policy states that 'healthy sustainable communities should have ample cultural and leisure opportunities for all' and whilst there are pubs in the vicinity, these tend to be more mainstream in nature; the micro-pub ethos provides an alternative to such facilities.

## 7.3 Design / Highways

**7.3.1 Local Plan Policy G17 (Design)** supports development where design and siting are of a high quality, car parking and servicing provision are acceptable and there is no impact upon surrounding land use. Although the proposal does not accord to adopted parking standards as set down in Policy F1 (Parking Standards) of the same document, public and on road parking facilities are readily available, and the proposal site is within a relatively short walk of Preston Town Centre and on a well-served bus route. Taking into account this sustainable location and the Highways Authority comments (above) this proposal appears to accord well to the sentiments of the above.

## 7.4 Neighbouring properties

7.4.1 The closest residential properties are 21m west within the same terrace, facing across Cann Bridge Street at 23m and in the east at a distance of 12m. Loss of privacy or

overlooking to neighbouring properties is not expected to be any different than the current situation.

7.2.2 Noise has been assessed separately by Noise Impact Assessment (Martec Env Consultants 8245:10.4.18). Having regard to Environmental Health's comments, and subject to mitigation identified by the report and imposed conditions, impact resulting from excessive noise is considered acceptable

7.4.3 Proposed opening times for the premises are relatively restricted, and as a small property accommodating only limited client numbers, with little live or amplified music it is not anticipated that the site will impact detrimentally in terms of noise.

#### 7.5 Flood Risk

7.5.1 The application site sits within flood zones 2 and 3 and as such development is categorised as 'more vulnerable'. There is a history of localised flooding but not at this property, and although there is a risk of flooding from the River Darwen, mitigation identified by Chapter 6 of the report should prove adequate. Emergency evacuation of the property would be relatively straightforward, and refuge is available upstairs should the worse happen and evacuation is not possible.

### **8. CONCLUSION**

8.1 This proposal will be in keeping with the nature of the area and existing development, and is therefore considered to be in accordance with all relevant policies of the South Ribble Local Plan, Central Lancashire Core Strategy and National Planning Policy Framework. This proposal is recommended for approval subject to the imposition of conditions.

### **RECOMMENDATION:**

Approval with Conditions.

### **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 Proposed floor plan, elevations, licensing plan: March 18, Sound Insulation Report (Martec Environmental: 8245 10.4.18), Flood Risk Assessment (UK Flood Risk QFRA986/25.4.18), JCC Cellar Cooler specifications and Supporting/Noise Impact Statement.  
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development
3. Waste collections shall not occur outside the hours of 07.00 hrs to 21.00 hrs Monday to Friday  
09.00 hrs to 1300 hrs Saturday  
No activities shall take place on Sundays, Bank or Public Holidays.  
REASON: To safeguard the living conditions of nearby residents particularly with regard to the effects of noise in accordance with Policy 17 in the Central Lancashire Core Strategy

4. The venue shall only be open to visiting members of the public during the hours of 12am - 11pm Monday to Sunday  
REASON: In the interest of the amenity of nearby residents in accordance with Policy 17 of the South Ribble Local Plan
5. No external seating, lighting or heating shall be provided unless with the prior written agreement of the Local Planning Authority.  
REASON: To safeguard the living conditions of nearby residents particularly with regard to the effects of noise in accordance with Policy 17 in the Central Lancashire Core Strategy and Local Plan Policy G17
6. Waste, including empty bottles shall not be removed from within the premises (taken outside) between the hours of 10pm and 8am on any day.  
REASON: To safeguard the living conditions of nearby residents particularly with regard to the effects of noise in accordance with Policy 17 in the Central Lancashire Core Strategy
7. Any construction works associated with the development shall not take place except between the hours of: 0800 hrs to 1800 hrs Monday to Friday and 0800 hrs to 1300 hrs Saturday  
No construction works shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing with the Local Planning Authority  
REASON: To safeguard the living conditions of nearby residents particularly with regard to the effects of noise in accordance with Policy 17 in the Central Lancashire Core Strategy
8. No deliveries shall be taken at or dispatched from the site outside the following times:  
07.30 hrs to 22.00 hrs Monday to Friday  
09.00 hrs to 1300 hrs Saturday  
No activities shall take place on Sundays, Bank or Public Holidays.  
REASON: To safeguard the living conditions of nearby residents particularly with regard to the effects of noise in accordance with Policy 17 in the Central Lancashire Core Strategy
9. There shall be no amplified, live music played at the venue unless with the written agreement of the Local Planning Authority  
REASON: In the interest of the amenity and to safe guard the living conditions of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy and G17 of the South Ribble Local Plan
10. Prior to installation of any extraction, filters and external ventilation stacks, details (including height of stacks, fixings and noise levels to be produced) shall be submitted for written approval to the Local Planning Authority. The approved scheme shall be fully implemented prior to first use of the site and shall thereafter be retained and maintained in efficient working order for the duration of the approved use.  
REASON: To ensure prior to development that extraction equipment is fit for purposes, 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.
11. All recorded music shall be played via a sound limiting device. Details of the device shall be submitted to the local planning authority for approval prior to first use of the building hereby approved, and must include an anti-tampering control. The limiter shall be set to ensure that the resulting sound cannot be heard at neighbouring properties. On receipt of any complaints by the local authority the sound limiter shall be set in conjunction with the Environmental Health Section of the Council.

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

12. Prior to first use of the building as hereby approved, the construction details provided within section 6.1 of the submitted noise report 'Sound Insulation Report' dated 10th April 2018 by Martec Environmental Consultants Ltd shall be installed and a retest undertaken to ensure that a minimum of 60dB DnT,w is achieved.

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

## **RELEVANT POLICY**

**POLE5 Local Centres**

**100**

**NPPF National Planning Policy Framework**

**12 Culture and Entertainment Facilities (Core Strategy Policy)**

**POLG17 Design Criteria for New Development**

**POLF1 Car Parking**

### **Note:**

Other application Informative

1. Attention is drawn to the condition(s) attached to this planning permission. In order to discharge these conditions an Application for Approval of Details Reserved by Condition form must be submitted, together with details required by each condition imposed. The fee for such an application is £116. The forms can be found on South Ribble Borough Council's website [www.southribble.gov.uk](http://www.southribble.gov.uk)

2. Highways Note: Please note that this consent does not give permission for installation of the bench mentioned in Paragraph 2(m) of the Supporting Statement and Noise Impact Statement. Any seating in the adopted highway would need to comply with the requirements of a Section 115 Licence (1980 Highways Act) which should be obtained separately from Lancashire County Council.

3. Environmental Health Note: It is recommended that an octave sound limiter is used since this utilises better control and quality of sound. Less effective systems will simply cut the music once a certain volume has been reached.

4. Lancashire Constabulary Note: The applicant should ensure that Secured by Design principles are incorporated into the development in line with the Central Lancashire Core Strategy. This should include, but is not limited to:

1. Installation of laminated glazing in windows/doors
2. The bar should be high and wide to deter assault and staff intimidation
3. Intruder alarms should be monitored via Alarm Receiving Centre - a mixture of PIR motion sensors, window and door contacts is recommended.

4. Intruder alarms should cover all available points of access. Recording equipment must be stored in a locked room and stored securely for 30 days before being destroyed if not required

5. Doors and windows should be security rated to PAS 24 (2016) equivalent standard such as LPS 1175. Opening windows should be fitted with restrictors

5. Advertisement: Please contact the Local Planning Authority on 01772 625400 for further advice with regards to external advertisement

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