

<b>Application Number</b>	07/2018/1773/FUL
<b>Address</b>	143 Liverpool Road Longton Preston Lancashire PR4 5AB
<b>Applicant</b>	Mr Christopher Buckley
<b>Development</b>	Change of use from Class A1 (Office Licence) to Class A4 (Drinking Establishment)
<b>Officer Recommendation Officer Name</b>	<b>Approval with Conditions</b> <b>Mr Mike Davies</b>
Date application valid	24.04.2018
Target Determination Date	19.06.2018
Extension of Time	21.06.2018



## **1. REPORT SUMMARY**

- 1.1 The proposal involves the change of use of a former off license (Class A1) on the main road through Longton into a drinking establishment (Class A4).
- 1.2 Given the location of the site on a main road and that it is situated opposite an existing public house it is considered an appropriate use subject to the imposition of conditions to protect the amenities of nearby residents.

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

- 2.1 The site is an end of terrace property situated on the corner of Liverpool Road and Grove Avenue. The property consists of a vacant ground floor unit (Class A1) with a hairdressers above at first floor level. The adjoining property is occupied by a firm of solicitors (Class A2). Directly across Liverpool Road facing the premises is the Red Lion public house. Further along the parade in close proximity to the site at 151 and 153 are located two hot food takeaways which also operate late into the evening.
- 2.2 To the rear is a yard area, but this is not in the ownership of the ground floor unit, who do not have access to this. At the side of the premises on Grove Avenue is a private forecourt which is used for car parking. Across Grove Avenue from the site is a barbers shop and gift shop. Further down Grove Avenue at its junction with Brook Hey and Tuson Croft are situated a pair of semi-detached dwellings which are angled onto the corner rather than facing directly onto Grove Avenue.
- 2.3 The site is allocated within B1 Built up Area on the Local Plan Policies Map and does not form part of a designated centre, yet this area of Liverpool Road is predominantly characterised by commercial uses, with some residential interspersed in between.

### **3. SITE HISTORY**

- 3.1 The property was originally a residential dwelling, which was converted into a ground floor retail use in 1988 with the benefit of planning permission.
- 3.2 Planning permission was refused in 1989, for a two storey rear extension to the premises, new shopfront and hard landscaping.
- 3.3 Last year a prior notification application was received to change the use of the shop unit (Class A1) into a restaurant (Class A3). Due to the floor area being below the threshold it was determined that prior approval was not required for this change of use.
- 3.4 Following the prior notification process, the applicant acquired the property however after initial discussions it soon became apparent that the proposed use was more drink led than food orientated and that a change of use to a drinking establishment (Class A4) would be required.

### **4. PROPOSAL**

- 4.1 As the change of use from retail (Class A1) to restaurant (Class A3) has never been implemented under the prior approval regime the current proposal is to change the use of the ground floor unit which formerly operated as an office license (Class A1) into a drinking establishment (Class A4).

### **5. REPRESENTATIONS**

- 5.1 Two representations have been received in relation to this proposal. One is from a nearby business who is concerned to ensure that the new use does not impact detrimentally on their business during office hours. The other is an objection which raises the concerns in relation to the retrospective nature of the proposal as fitting out of the unit has been ongoing since the prior approval was originally granted. However, as this work was an internal fit out planning permission is not required for this. The replacement of the shopfront does however require planning permission and a separate application has been submitted to regularise this element.

### **6. CONSULTATION REPLIES**

- 6.1 Designing Out Crime Officer - Lancashire Constabulary – A number of recommendations have been made in relation to security measures relating to the physical security of the building and these have been forwarded onto the applicant.
- 6.2 Environmental Health – Subject to the imposition of a number of conditions it is considered that the use will not unduly impact on the amenities of the locality. The proposed conditions relate to opening hours, noise insulation, entertainment and use of outdoor areas as well as servicing and storage arrangements.
- 6.3 LCC Highways – Raise no objections to the application and are of the opinion that the proposals should have a negligible impact on highway safety and highway capacity within the vicinity of the site.

## **7. MATERIAL CONSIDERATIONS**

### **7.1 NPPF**

- 7.1.1 The National Planning Policy Framework advocates a presumption in favour of sustainable development. Core Principle 2 – Ensuring the Vitality of town centres (paragraph 23), Core Principle 7 – Requiring Good Design (paragraphs 56 – 58) and Core Principle 8 – Promoting healthy communities (paragraphs 69 & 70) are relevant to the consideration of this application.
- 7.1.2 Paragraph 23 states planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres. Local Planning authorities should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality; define a network and hierarchy of centres that is resilient to anticipated future economic changes; define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations; promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres.
- 7.1.3 Paragraphs 56 – 58 state that good design is a key aspect of sustainable development and should contribute positively to making better places for people. It is important to plan positively for high quality and inclusive design in all development. Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area.
- 7.1.4 Planning policies and decisions should aim to ensure that developments: will function well and add to the overall quality of the area, establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities, create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.
- 7.1.5 Paragraph 69 & 70 identifies the planning system playing an important role in facilitating social interaction and creating healthy, inclusive communities. Planning policies and decisions, in turn, should aim to achieve places which promote: opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity; safe and accessible environments where crime and disorder, and the fear of crime, do not undermine

quality of life or community cohesion; and safe and accessible developments that encourage the active and continual use of public areas.

- 7.1.6 To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs; ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.

## **7.2 Central Lancashire Core Strategy**

- 7.2.1 Policy 11 of the Central Lancashire Core Strategy states that retail and other town centre uses of a scale appropriate to the retail hierarchy and in sustainable locations will be supported, provided that the development respects the character of the centre and assists in maintaining its existing retail function. Retail and town centre uses will be delivered by maintain, improving and controlling the mix of uses in existing district centres, so as to appropriately serve local needs.
- 7.2.2 Policy 17 of the Core Strategy sets out design criteria for new buildings. In particular development should safeguard and enhance the built environment, be sympathetic to surrounding land uses and occupiers avoiding harm to the amenities of the local area, minimise opportunity for crime and maximising natural surveillance and make provision for the needs of special groups in the community such as the elderly and those with disabilities.
- 7.2.3 Policy 26 of the Core Strategy addresses crime and community safety by promoting working with the police, community safety partnerships and other agencies to co-ordinate analysis and action. Encouraging the inclusion of Secured by Design principles as well as aiming to achieve a complementary mix use of uses in key service centres with appropriate controls over entertainment uses, taking account of the local authorities' Statement of Licensing policies.

## **7.3 South Ribble Local Plan 2012 - 2026**

- 7.3.1 Policy B1 of the Local Plan states that within existing built-up areas, proposals for the re-use of buildings will be permitted provided the development complies with the requirements for access, parking and services, is in keeping with the character and appearance of the area and will not adversely impact the amenities of nearby residents.
- 7.3.2 Policy G17 of the Local Plan sets out design parameters that new development should aim to achieve. These include making a positive contribution to the street scene, not impacting prejudicially on highway and pedestrian safety, being sympathetic to surrounding land uses and occupiers, avoiding demonstrable harm to the amenities of the local area, minimising opportunities for crime and maximising natural surveillance, making provision for the needs of all sections of the community such as the elderly and those with disabilities.

## **7.4 Amenity**

- 7.4.1 The proposal seeks consent to open the premises between 16.00 and 0.00 hours Monday to Friday 12.00 to 00.00 hours on a Saturday and 12.00 to 23.00 hours on Sundays. Within the vicinity there are already several other venues operating similar

hours. Having raised the issue with the applicant in relation to drinking up time he is comfortable with the hours suggested in the conditions which are more stringent than originally applied for and these will be replicated in the licensing application so that any planning permission or license granted is consistent with the other.

- 7.4.2 The premises are located on Liverpool Road in a B1 – Built-up area. There are a number of commercial premises in the vicinity including several late night uses such as the Red Lion and Golden Ball public houses and a couple of hot food takeaways. Whilst, the site is not located within a defined local centre as such Liverpool Road in this location is predominantly commercial in character and the locality clearly functions as a centre of activity both during the day and in the evening.
- 7.4.3 The issue of an outdoor smoking area has been raised with the applicant as the submitted proposals do not indicate what provision is intended to be made to accommodate patrons who may wish to smoke. The applicant has indicated that given the scale of the operation and its location on a corner site it is not practicable to provide a smoking shelter and officers concur with this view.
- 7.4.4 The issue of an outdoor drinking area has also been raised with the applicant and given the location of the premises it is considered that a condition should be imposed to prevent any outdoor seating area given the proximity to residential properties and the potential such activity has to cause disturbance to nearby neighbours.
- 7.4.5 With regards to entertainment, the applicant has indicated that primary use of the premises will be as a sports bar. The applicant currently operates the Golden Ball public House which is located a couple of hundred metres further along Liverpool Road and is predominantly a food led operation. He is therefore looking to provide a different offer in the locality to cater for a market which he is unable to accommodate within the existing premises. It is his intention that customers will be able to have conversations on the premises and the primary role of the premises will be to attract customers to watch sports on television. The size of the premises mean that numbers watching at the premises will be limited and the applicant will operate a community based establishment within reasonable time constraints having due consideration to local residents. This can be controlled by the imposition of appropriate planning conditions as well as through licensing.
- 7.4.6 Clearly, the impact on the amenities of surrounding neighbours and the locality is an important consideration in such cases and often it is how the premises are managed rather than the actual use itself, which can cause problems. There is a fine balance to be struck between supporting new local businesses and protecting the amenities of existing residents. Given the proposed hours of operation and how the applicant envisages operating it is not considered that the use of the premises given their size will have any significant detrimental impact on the amenities of local residents provided appropriate conditions are imposed and these are adhered to by the applicant. The applicant has shown a willingness to engage and is agreeable to the recommended conditions being attached to any planning permission granted. It is considered that this will allow the premises to operate in the manner the applicant envisages without any detrimental impact to others in the locality.

## **7.5 Highways**

- 7.5.1 There are no concerns in relation to highway safety raised by the highway authority and no issues have been raised in relation to car parking provision. There is existing car parking provision at the side of the premises and this will remain, although it is not anticipated that the premises will generate significant amounts of vehicle movements given its proposed hours of operation and the nature of the use.

## **7.6 Servicing**

- 7.6.1 No deliveries or collections to the premises will take place outside normal working hours. Storage of crates, barrels and bottles will be in a secure, contained area at the premises details of which will be conditioned to safeguard amenities. The issue of waste disposal has been raised with the applicant who will make arrangement appropriate arrangements for the safe disposal of commercial waste. Details of this can be agreed via condition prior to occupation.

## **7.7 Crime and Security**

- 7.7.1 Whilst, a number of recommendations have been made by Lancashire Constabulary in relation to the physical security of the premises the implementation of these is not something that the Local Planning Authority can control through the imposition of conditions as they involve fitting internal security systems. Any conditions imposed on a planning permission need to satisfy the six tests laid out in paragraph 206 of the NPPF which are necessity, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 7.7.2 As stated above the security recommendations have been forwarded to the applicant and an informative drawing the applicant's attention to them can be attached to any subsequent planning permission granted.

## **8. CONCLUSIONS**

- 8.1 Having regard to the location of the premises in a built-up area albeit predominantly commercial in this locality and all material considerations it is considered that the change of use of the ground floor of the premises from an off license (Class A1) to a Drinking Establishment (Class A4) is appropriate. Conditions are recommended to ensure that the amenities of the neighbourhood are protected and provided these are adhered too, then it is considered that the proposal will positively contribute to the offer in the locality.

## **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 P9D/P/10/17/21  
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development
3. The development hereby permitted shall not be occupied until a scheme showing the provisions to be made for external lighting, CCTV coverage, access control, and any other measures to reduce the risk of crime, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented. Thereafter the approved measures shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to provide a good standard of security to future occupants and visitors to the site and to reduce the risk of crime in accordance with Policy 17 and 26 of the Central Lancashire Core Strategy and Central Lancashire Design Guide Supplementary Planning Document (Adopted October 2012).

4. The premises hereby approved, shall not be open to customers outside the hours of 1100 hrs to 2300 hrs Monday to Friday, 1100 to Midnight Saturday and 1200 hrs to 2230 hrs on Sunday, Bank or Public Holidays unless otherwise agreed in writing with the Local Planning Authority

REASON: In the interests of the amenity of nearby residential properties in accordance with Policy 17 in the Central Lancashire Core Strategy

5. The development hereby approved shall not be brought into use until details of facilities for the storage of refuse and waste materials have been submitted to and approved by the Local Planning Authority and completed entirely in accordance with the approved scheme. The approved facility shall be retained thereafter unless otherwise agreed in writing with the Local Planning Authority.

REASON: To safeguard the character and visual appearance of the area and to safeguard the living conditions of any nearby residents particularly with regard to odours and/or disturbance in accordance with Policy 27 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026

6. There shall be no external speakers, floodlighting or patio heaters installed in the outside area without prior written consent of the Local Planning Authority.

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

7. 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: 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. All external doors shall be fitted with self-closers and rear doors and windows shall remain closed throughout the opening times of the premises (except for emergencies). External use shall be restricted to the hours 11:00 to 22:00 Monday to Saturday and 12:00 and 21:00 on Sundays and Bank Holidays.

REASON: To safeguard the amenities of nearby residents particularly with regard to the effect of noise in accordance with Policy 17 in the Central Lancashire Core Strategy

9. There shall be no live or recorded entertainment music played at the property.

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

10. Times of deliveries shall be restricted to between 09:00hrs and 17:00 hrs.

REASON: In the interests of residential amenity and highway safety and to be in accordance with  
Policy G17 in the South Ribble Local Plan 2012-2026

11. There shall be no waste collection including empty bottles between the hours of 19:00hrs and 08:00hrs Monday to Friday.  
No waste collection on Saturdays, Sundays or Bank Holidays.

REASON: In the interests of the amenity of nearby residents in accordance with  
Policy 17 of the  
Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan  
2012-2026

12. No external seating or tables shall be provided without the prior written approval of the Council as Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with  
Policy 17 of the Central Lancashire Core Strategy

13. Prior to first use of the development a sound insulation level of 60 dB Rw shall be provided to all party walls and ceilings. To ensure that this level of attenuation is achieved an assessment must be undertaken, by a qualified acoustician, and a written report produced and submitted to the local planning authority for approval. Upon completion of any attenuation work a follow up assessment must be undertaken to ensure that 60 dB Rw has been achieved, written details of this assessment must be submitted and approved by the local planning authority

Reason: To safeguard the amenities of neighbouring properties in accordance with  
Policy 17 of the Central Lancashire Core Strategy and the NPPF.

14. Prior to first use of the premises a sound limiter device shall be fitted. Details of the device shall be submitted to the local planning authority, once agreed all amplified audio shall be played through the limiter. The limiter shall be set to ensure that the resulting sound cannot be heard at neighbouring properties. On the receipt of any complaints to the local authority relating to sound emissions from the development then the limiter shall be set to the requirements of the Environmental Health Department of the local authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with  
Policy 17 of the Central Lancashire Core Strategy and the NPPF.

15. Prior to the occupation of the development full details of the waste storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The waste storage area shall provide effective and sufficient storage facilities for refuse and to safeguard amenities and living conditions of any nearby residents particularly with regards to odour, noise and insects.

Access to the bin store shall only be used between the hours of 0800 hours to 2200  
Monday to Saturday and 0900 to 2100 hours Sunday and Bank Holidays.

Reason: In the interests of the amenity of the nearby residents in accordance with  
Policy 17 of the Central Lancashire Core Strategy and Policy B1 in the South Ribble  
Local Plan.



**RELEVANT POLICY**

**NPPF National Planning Policy Framework**

**11 Retail and Town Centre Uses and Business Based Tourism (Core Strategy Policy)**

**17 Design of New Buildings (Core Strategy Policy)**

**26 Crime and Community Safety (Core Strategy Policy)**

**POLB1 Existing Built-Up Areas**

**POLG17 Design Criteria for New Development**

**Note:**

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