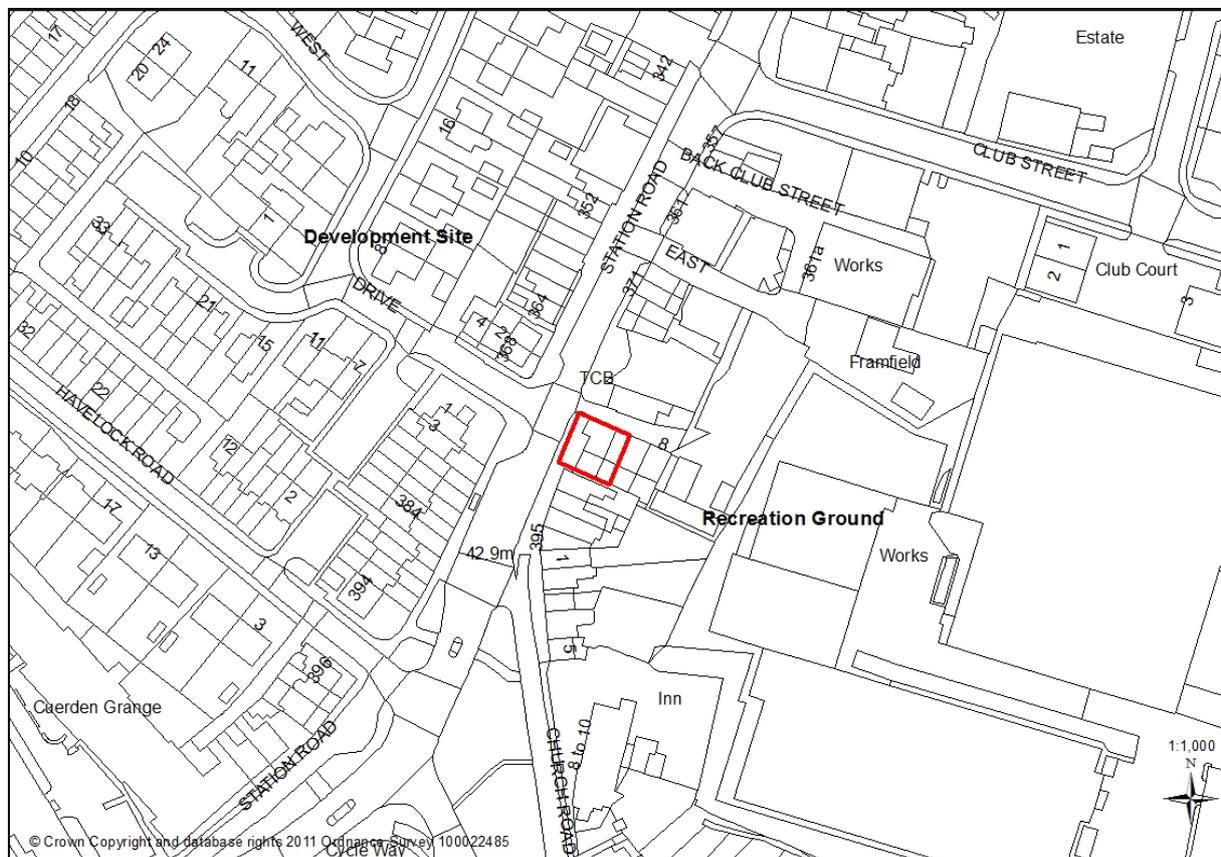


Application Number	07/2018/3514/FUL
Address	2 - 4 Spinners Square Bamber Bridge Preston Lancashire PR5 6EQ
Applicant	Reginald James Ltd
Agent	Mrs Melanie Scarff 7 Edgefield Astley Village
Development	Change of use from A1 (shop) to A4 (drinking establishment), single storey side extension and decking area with fencing to front and side.
Officer Recommendation	Refusal
Officer Name	Mrs Debbie Roberts
Date application valid	25.05.2018
Target Determination Date	20.07.2018
Extension of Time	None



1. Report Summary

1.1. This applicant seeks permission to change the use of the property from retail (A1 Use Class) to a micro pub (Class A4), with beer store and decking extensions, ancillary external works and conversion of the first floor for use as a managers flat. A refrigeration unit would be installed onto the front/side, first floor elevation. Advertisement consent has been separately applied for.

1.2. Decking has been shown as two separate areas – Decking A which would run across the front of the premises and would provide a smoking area, and Decking B which would sit alongside no: 389 Station Road. The applicant has suggested closure of Decking A by 10.30pm, but to prevent any issue in terms of public nuisance or noise arising from use of the decking, Environmental Health request closure of outside areas by 6pm should members go against this recommendation. This is realistically difficult to enforce, and there is no evidence to suggest that moves to force customers into the building would prevent noise nuisance altogether. Should permission be granted however, a condition to restrict use of external areas is recommended. Noise assessment of the building itself has also been compiled.

1.3. The pub would employ one full time manager and two part time staff, and opening hours have been identified as 10am – 12pm Sunday to Thursday, 10am – 1am Friday and Saturday; these differ by half an hour from those requested of the premises licence. Deliveries would be taken from Station Road through the front of the property and waste removal from the rear via the front decking access. A number of minor cosmetic changes would also be made during upgrade of the premises

1.4. County Highways have fully assessed the application (see Para 7.3 below) and subject to works within the area agreed by both parties raise no objection on parking or highway grounds.

1.5. Environmental Health do object to the proposal however on the grounds that insufficient evidence has been provided to prove without question that noise from both internal and external site areas would not be of detriment to neighbouring properties. (see Para 7.1 – 7.1.3 below)

1.6. At the time of writing this report, and following full consultation, letters of objection have been received from 20 residents, in addition to a petition from 11 people outside of the Borough. Objections are summarised at Para 6.2.1 below; late comments will be reported verbally at committee.

1.7. It is considered that this proposal does not comply with the NPPF, South Ribble Local Plan or Central Lancashire Core Strategy for the following reasons.

- The submission fails to demonstrate that internal and external use of the premises by virtue of noise, increased use and activity would not have an adverse impact on the amenities of neighbouring properties. The proposal is therefore contrary to Paragraph 109 of the National Planning Policy Framework, Policies B1(c) and G17(a) of the South Ribble Local Plan, Policy 17 (c & d) of the Central Lancashire Core Strategy
- Proposed external development would be out of keeping with, and as a result harmful to the character and appearance of the immediate area and is therefore contrary to South Ribble Local Plan Policy G17(a & b)

2. Application Site and Surrounding Area

2.1. The application refers to no: 2-4 Spinners Square, off Station Road Bamber Bridge, which until 2017 was in full use as a fishing tackle shop (A1 retail). Premises are now empty and although work has begun on the buildings refurbishment, the physical works undertaken to date do not in themselves require planning permission.

2.2. The property is a part two/ part single storey unit which faces Station Road, but is attached at right angles to a short row of terraced dwellings. The property appears to have been an end of terrace dwelling facing away from the main road, but whose orientation has at some stage been changed; former garden areas to the south are screened by an existing wall. An area of hardstanding is present to the front of the building which extends directly into the public highway. A bus stop also sits immediately to the front of the premises.

2.3. Adjacent in the south is a mixed use residential/commercial terrace; the closest neighbour being 389 Station Road (dwelling) previously connected by a short wall. Church Road Conservation Area is immediately beyond this terrace.

2.4. To the rear of Spinners Square (east) is a small commercial business, and adjacent in the north is Bargain Booze which faces Station Road; access to properties on Spinners Square is via an alleyway between the proposal site and this shop. Residential properties are located to the north of Bargain Booze.

2.5. Immediately facing are Lychfield Drive (residential) flanked by mixed use terraced properties (predominantly residential)

2.6. There is no off road, parking for this property. This is not unusual for businesses along Station Road. Parking has been proposed in front of Bargain Booze but is within third party ownership, and as such should not be taken into account for use by this property

2.7. The site and immediate surroundings are designated under Policy B1 (Existing Built Up Area); Bamber Bridge District Centre sitting approximately 500m to the north.

3. Site Context / Planning History

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

- 07/1984/0198 – extension to shop. Refused July 1984
- 07/1987/0790 – extension to shop. Refused May 1988
- 07/1990/0721 – side shop extension. Approved October 1990

4. Proposal

4.1. The applicant seeks permission to change the use of the property from retail (A1 Use Class) to a micro pub (Class A4), with beer store and decking extensions, ancillary external works and conversion of the first floor for use as a managers flat. Advertisement consent has been separately applied for.

4.2. *Main building* – the property itself accounts for 117m² floor area within a 167m² site. Proposals include conversion of the ground floor to accommodate bar and sanitary areas, and conversion of the first floor to provide a small, one bedroomed flat for the pub manager. To protect the amenity of any future resident should permission be granted, a condition is recommended to restrict occupancy of the flat to employees of the business

4.3. *Beer Store Extension* – a small, beer store extension of 4m x 4m, with a maximum ridge height of 3.3m and eaves to 2.2m is proposed to the southern side of the building. The applicant's original statement proposed that the stores roof would be finished in such a way as to be suitable habitat for butterflies, bee's and native wildflowers e.g. wild turf or sedum. Plans and the Noise Impact Assessment (see below) submitted however detail a tiled roof which would not be fit for this purpose. Confirmation has since been received that the roof would be tiles, more in keeping with the character of the area.

4.4. *Decking* – Two areas of decking are proposed. Decking A would run from the front of the proposed bin store (7.8m deep x 3m wide at the front), would be 200mm from ground level, and protected by decorative wooden railings with bamboo style 'modesty' screening behind. An existing wall runs along the southern side to prevent access other than from within the pub; a small bin store would sit between the beer store and this wall. The applicant suggests closure of Decking A by 10.30pm

4.5. Decking B would be similarly screened but would run along the front of the property (approx. 10m wide x 1.4m -3.4m deep) and would be used as a smoking area; the only public access from outside the building would be through this section. Limited late night use of this area has not been suggested but for consistency, ease of management and to protect the amenity of immediately adjacent neighbours a condition to require early closure of all outside areas is considered necessary should permission be granted.

4.6. The pub would employ one full time manager and two part time staff, and opening hours have been identified as 10am – 12pm Sunday to Thursday, 10am – 1am Friday and Saturday. External areas would be restricted as detailed above. Deliveries would be taken from Station Road through the front of the property and waste removal from the rear via the front decking access

4.7. A number of minor cosmetic changes would also be made during upgrade of the premises; namely:

- Door on northern side would be blocked up – this would reduce pedestrian use within the vicinity of residential properties at the rear.
- Installation of patio doors into decking on the southern side which would be screened by the existing wall
- A refrigeration unit is proposed between the first floor side elevation of the property, and the single storey pitched roof

5. Summary of Supporting Documents

5.1. The application and is accompanied by the following:

- Proposed floor plans (Dwg 1 of 3: amended April 2018) Entwistle Design Services
- Proposed elevations (Dwg 2 of 3: amended April 2018) Entwistle Design Services
- Proposed site plan (Dwg 3 of 3: amended April 2018) Entwistle Design Services
- CCTV/Security Plan (Confidential)
- Site Management Plan: 2018
- Noise Impact Assessment (John Holdsworthy/Sound Advice: 22.5.18)
- Planning Statement
- JCC2 Refrigeration Unit Specification

6. Representations

6.1. Summary of Publicity

6.1.1. A site notice has been posted, and 36 neighbouring properties consulted.

6.2. Letters of Objection

6.2.1.20 individual letters of objection have been received. Comments are summarised as

Residential Amenity

- Impact to neighbouring residents from both internal and external general use of the premises after 10pm; particularly retirement and care homes across Station Road
- Noise from clients arriving and leaving by taxi but waiting in front of residential properties
- Smoke from people using smoking area would impact directly on adjacent properties
- Noise in the area has reduced since 3 pubs on Station Road have closed down - problems would start again if this proposal approved.
- Problems should music be allowed at, or outside of the premises
- Potential for anti-social behaviour
- Respondent lives immediately to the side of the property, and does not wish to bring up 2 children next to a pub.
- Licencing Act 2003 primary objective '*Protection of Children From Harm*' quoted
- Loss of privacy
- Light pollution from external lighting and noise from proposed refrigeration unit
- Applicant's noise report states that noise would be below 60db World Health Organisation guidelines. Those same guidelines recommend 35db or less in bedrooms
- Decking and beer store restricts emergency access into Spinners Square – the beer store would be within already restricted areas. Decking would be to the front of, but would not further restrict emergency access
- Proposed 'wildflower roof' would affect immediate neighbour who has pollen allergies – plans since changed
- Respondent mentions issues with pavement use by customers of the Brig & Bottle – photographic evidence supplied.

Design

- Fence and decking design is out of keeping with the area
- Overdevelopment of site resulting in an unacceptable mass adjacent to residential properties

Highways

- Proposal will exacerbate parking problems on Station Road, Lychfield Drive and West View
- Decking would be too close to the bus stop and would restrict the footpath
- Proposal would disrupt parking to Bargain Booze (adjacent)
- Presence of bus stop means that deliveries and taxis will park directly outside neighbouring properties
- No parking proposed for either pub or managers flat

Other Comments

- The proposal would be a security risk to neighbouring properties
- Land in front of the Bargain Booze has been suggested by the applicant for use by delivery waggons. The owner of Bargain Booze states that this is not acceptable, that the applicant has not been given permission and that he '*requires uninterrupted access for deliveries and customers*'

- Proposed times on applicants statement differ from those suggested on the premises licence
- Proposal has not been subject to sequential testing and would result in loss of an A1 unit – protection, and marketing of A1 use premises is generally within designated District centres (500m north). Regardless of the sites allocation however, the A1 use would be replaced by an A4 use – more than acceptable if this unit had been in a protected locality.
- Users of the bus stop will be intimidated by users of the pub

Comments have also been made which as non-material planning considerations have not been taken into account:

- Request that earlier covenants on the property are checked to see if they would prohibit the scheme
- Regardless of ownership the land to the front of the property has never been fenced off and as such is a Public Right of Way by default – this is a civil matter between the applicant and users of the land, rather than of relevance to the planning process.
- Applicant has removed an existing wall and relocated neighbours fence without permission – this issue has been raised with the applicant who feels that it is incorrect. The matter however would be a civil issue between the relevant parties.
- ‘There are too many pubs in the area’ – Proliferation of premises is not relevant to this proposal
- Vacant flat above Bargain Booze would be disadvantaged if next to a pub, and loss of tenant to, and subsequent property value of rented properties adjacent as tenant would move to protect children from such an environment – property values and/or tenancy issues cannot be taken into account

A petition letter has also been submitted by 11 people with much the same content as summarised above. It should be noted however that the letter is from residents of Fulwood, Lytham St Anne’s, Garstang and Ingol who would not be immediately affected by the proposal.

6.3. Letters of Support

6.3.1. None received

7. Summary of Responses

7.1. **Environmental Health** are of the opinion that *‘the development would result in a serious adverse impact on the amenities of nearby occupiers, by reason of noise, contrary to planning policies B1 & G17 and policy 17 of the Central Lancashire Core Strategy. This department therefore recommends refusal of the application’*. In support of their objection comments made are as follows

7.1.1. *‘The acoustic report is erroneous in concluding that the premises are unlikely to cause noise nuisance to the residents of Spinners Square. The scope of the report was far too limited to make this conclusion valid. The report was limited to the performance of the party wall between the proposed premises and the existing residential accommodation. This is far from being the only way in which the residents of Spinners Square or other residents could be subjected to a noise nuisance. The report has not considered noise from external sources such as customers using the decking area, the refrigeration unit, ancillary activities such as barrel deliveries or noise breakout through doors or windows.*

The report states that the party wall does not currently provide sufficient acoustic insulation to prevent noise nuisance being caused to the adjacent property on Spinners Square. While it does state that work can be carried out to rectify this it also states that there may still be noise transmission between the two properties arising from structural interconnections. The

report is also based on a level of 85dB(A) within the premises. This is a level that can be exceeded where music is being played as is the intention with this premises.

In the absence of any assessment relating to noise from the decking area a visit was made with a colleague. This revealed that the windows of No. 6 & 8 Spinners Square are in close proximity (less than 10m for 6 Spinners Square) and direct line of sight from the proposed decking area. A quiet telephone conversation held in the proposed location of the decking area could clearly be heard in the rear bedroom of No. 6 Spinners Square (a child's bedroom). While the proposed beer store may attenuate this slightly it is not known by how much if at all. The noise from the decking in use will be greater than one person talking on a telephone. The background noise will also be lower in the evening so any noise will be more prominent. While the acoustic report has commented on how the party wall should be insulated to provide a level of below 30dB(A) (World Health Organisation recommendations) in the adjacent property there has been no attempt to assess how this could be achieved when noise is being generated on the decking and travelling through the bedroom window.

The acoustic information for the beer chiller unit is insufficient as it relates to the unit in a "free field" at 10m distance. The unit will be located in a position with a variety of acoustically reflective surfaces. The actual sound has the potential to be significantly louder than specified and potentially quite directional – no assessment of this has been carried out.

The licensing application for the premises requests a closure time of 1.30am on Fridays and Saturdays with an additional 13 days of seasonal variation which would allow 24 hour opening. The adjacent off licence closes at 11pm so this reflects a considerable lengthening of the time over which residents would be subject to increased background noise levels. When the background noise level is low noise from the decking area may become an issue for other nearby residents as well as those on Spinners Square'.

7.1.2. Should permission be granted conditions with regards to noise impact testing, and mitigation works are recommended, as are restrictions re: live and amplified music, lighting, and delivery and construction management. EH also recommend that use of the decking and associated lighting after 6pm should be prohibited, but some consideration should be given to actual management and enforcement of this condition if the premises themselves were open until later hours.

7.2. Lancashire Constabulary's response details a number of criminal incidents reported at the site within the last 12 months. They have assessed the application and confidential security information, and recommend a number of security measures which should be addressed prior to first occupation of the premises. An informative note to this effect would be included with any permission granted.

7.3 Lancashire County Council Highways note that there are 4 recorded incidents on the LCC accident database; none of which would have been worsened by the proposed development. LCC acknowledge that parking is sub-standard, but taking into account the existing commercial use, and its sustainable location i.e. close to public transport//rail services, where parking is limited for all business and residential premises, they do not object on parking or highway grounds.

7.3.1 A check of the LCC highways adoption records identified a large section of proposed decking (approx. 1.3m – 2m deep running along the front boundary) which LCC initially felt would encroach into the adopted highway. The decking also had the potential to restrict access to an existing manhole cover, and for both reasons LCC objected to the development in its original form.

7.3.2 LCC have examined the area, and as there is some disparity between adoption and land registry documents have assigned an area of land which they feel is probably public highway. In the spirit of compromise amended plans have been submitted to LCC which

draw the decking in towards the building and avoid the manhole. As a result, and subject to construction behind the public highway 'line', LCC withdraw their objection.

7.3.3 It should be noted that provided that due process has been followed, planning permission may be granted to any applicant, on any land regardless of land ownership. Permission would not however override LCC's land ownership rights.

8. **Material Considerations**

8.1. Site Allocation

8.1.1. The site is designated under Policy B1 (Existing Built Up Area) of the South Ribble Local Plan 2012-2026

8.1.2. **Policy B1** allows for redevelopment in allocated areas provided that proposals would comply with requirements of the local plan relating to access, parking and servicing; would be in keeping with the character and appearance of the area, and would not adversely affect the amenity of nearby residents.

8.2. Policy Background

Additional policy of marked relevance to this proposal is as follows:

8.2.1. *National Planning Policy Framework*

The NPPF at Para 14: provides a presumption in favour of sustainable development '*which should be seen as a golden thread running through both plan-making and decision taking*', and supports sustainable economic growth. Other pertinent chapters of the NPPF are:

Chapter 1: Building a Strong and Competitive Economy. Para 20 states that local planning authorities should '*support existing business sectors to meet the development needs of business in an economy fit for the 21st century*'. Para 21 of the same chapter urges planning to '*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*'

The application premises sit just outside of 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

Chapter 7: Requiring good design attaches great importance to the design of the built environment which contributes positively to making better places for people. One of the 12 NPPF core principles is that planning should '*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*'

8.2.1.3 Chapter 11: Conserving and Enhancing the Natural Environment – Although primarily concerned with more rural aspects of the natural environment, Para: 109 does aim to '*prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of ... noise pollution*'. Para 123 of the same chapter states that '*decisions should aim to mitigate and*

reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development'

8.2.2. Central Lancashire Core Strategy

Policy 1: Locating Growth focusses growth and investment on well-located, brownfield sites within key service and urban areas of the Borough; one of which is Bamber Bridge, but with a focus on district centre regeneration.

Policy 3: Travel encourages alternative, sustainable travel methods to reduce dependence on motor vehicles.

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*'.

Policy 17: Design of New Buildings requires new development to take account of the character and appearance of the local area.

Policy 26: Crime & Community Safety seeks to reduce crime levels and improve community safety by encouraging the inclusion of Secured by Design principles in new development.

8.2.3. South Ribble Local Plan

In addition to site allocation policy B1 (above), the following are also pertinent:

Policy F1: Parking Standards requires all development proposals to provide car parking and servicing space in accordance with parking standards adopted by the Council.

Policy G17: Design Criteria for New Development considers design in general terms, and impact of the development upon highways safety, the extended locale and the natural environment.

8.3. Impact of Development on Neighbouring Properties

8.3.1. Proposed sanitary areas of the pub would be attached the No: 6 Spinners Square, whilst the rear of the beer store would abut this properties rear garden. No: 8 Spinners Square would sit beyond this property in the east

8.3.2. In the south is 389 Station Road whose side elevation would face the side of proposed decking A and screening to the bin store at 1.3m, and in the north is Bargain Booze at a distance of 4m. Properties face across Station Road at approximately 22m from the front of proposed decking.

8.3.3. Problems arising from noise and general use of the premises are not considered to be of detriment to Bargain Booze, although unauthorised use of the neighbour's car park by customers of, and deliveries to the proposed pub might hamper the adjacent business which requires unrestricted access to its own site. The same cannot be said for the occupants of adjacent residential properties who would be subject to noise emission from the pub itself and from general use of external seating areas until late in the evening. Daytime stock deliveries to the property would be similar to any other business, but the arrival and departure of customers by taxi would – particularly late at night – be of issue. There are no parking spaces available to the property, and as driving would be discouraged there are only a few other client transport alternatives.

8.3.4. The applicant has offered to restrict access to, and lighting of proposed decking after 10.30pm. Environmental Health wish for this to be reduced further to 6pm but realistically this would not only be difficult to enforce, but would force clientele into the building which would exacerbate noise problems from within for the occupants of Spinners Square.

8.3.5. Conditions to prevent noise nuisance as best as possible from the property itself might be effective, but it is considered that it has not been clearly demonstrated that noise emitting from both building and proposed decking – despite the option of early closure of outside areas – can be suitably mitigated. It is therefore considered that approval of such areas would result in a serious loss of amenity to immediate residents in direct contravention of adopted policy.

8.4. Design, Character & Appearance

8.4.1. Local Plan Policy G17 (Design Criteria for new development) seeks to ensure new development relates well to neighbouring buildings and the extended locality, that layout, design and landscaping of all elements of the proposal are of a high quality; providing interesting visual environments which respect local character, reflect local distinctiveness, and offer appropriate levels of parking and servicing space in line with Policy F1 (Parking Standards) of the same document. Core Strategy Policy 17 (Design of New Buildings) effectively mirrors these criteria.

8.4.2. In consideration of the above, local distinctiveness and character of the area have been assessed. This part of Bamber Bridge is a fairly traditional mix of terraced, commercial and new build, supported/retirement living properties. Retail properties in Bamber Bridge tend to be predominantly to the north although some do exist towards this site. The Conservation Area sits immediately south

8.4.3. Conversion of the property would undoubtedly upgrade what is a very tired unit – the applicant has a track record in the area of clean, well maintained properties, and in purely visual terms, minimal changes to allow for the proposal change of use alone are not considered unacceptable. Proposed decking and the refrigeration unit however considered out of character with their immediate surroundings.

8.5. Highways Considerations, Suitability of Access and Parking Arrangements

8.5.1. Highways issues have been assessed by LCC as the Highways Authority, and whilst they recognise that on-site parking following development would be unavailable, they accept this reduced standard as the norm along Station Road and have no objection. It should be noted however that following erection of proposed decking, hardstanding used also for deliveries would be lost, and as the road immediately to the front of the building is spanned by a bus stop, delivery wagons will be forced to park unlawfully, or in front of adjacent residential properties to the detriment of neighbouring occupants

8.6. Noise

8.7. Noise has been assessed formally by South Ribble Environmental Health as the Councils acoustic specialist (see detailed commentary at Para's 7.1 - 7.1.3 above).

9. Conclusion

9.1 The application proposes change of use of 2-4 Spinners Square to micro-pub, with erection of external decking and ancillary works. The application has been assessed by the Councils expert consultants, and whilst LCC now have no objection on parking or highways safety grounds, Environmental Health do have cause for concern.

9.2 The applicant has failed to provide sufficient information to show that works to internal areas of the building would protect the living conditions and amenity of neighbouring properties; particularly those on Spinners Square and immediately adjacent.

9.3 Similarly, but of importance to a much wider area is the inability to prove that use of proposed refrigeration and external decking areas, would also not be of detriment e.g. increased activity, noise and traffic generation i.e. client arrival/collection by taxi, delivery vehicles without off road parking etc.,

9.4 On balance, and for the reasons stated in this report, the application does not accord with the relevant policies of the NPPF, Local Plan or Core Strategy, and is therefore recommended for refusal for the following reasons.

The submission fails to demonstrate that internal and external use of the premises by virtue of noise, increased use and activity would not have an adverse impact on the amenities of neighbouring properties. The proposal is therefore contrary to Paragraph 109 of the National Planning Policy Framework, Policies B1(c) and G17(a) of the South Ribble Local Plan, Policy 17 (c & d) of the Central Lancashire Core Strategy

Proposed external development would be out of keeping with, and as a result harmful to the character and appearance of the immediate area and is therefore contrary to South Ribble Local Plan Policy G17(a & b)

RECOMMENDATION:

Refusal.

REASONS FOR REFUSAL:

1. The submission fails to demonstrate that internal and external use of the premises by virtue of noise, increased use and activity would not have an adverse impact on the amenities of neighbouring properties. The proposal is therefore contrary to Paragraph 109 of the National Planning Policy Framework, Policies B1(c) and G17(a) of the South Ribble Local Plan, Policy 17 (c & d) of the Central Lancashire Core Strategy

2. Proposed external development would be out of keeping with, and as a result harmful to the character and appearance of the immediate area and is therefore contrary to South Ribble Local Plan Policy G17(a & b)

RELEVANT POLICY

National Planning Policy Framework

Central Lancashire Core Strategy

- 1 Locating Growth
- 3 Travel
- 12 Culture and Entertainment Facilities
- 17 Design of New Buildings
- 26 Crime and Community Safety

South Ribble Local Plan

- B1 Existing Built-Up Areas
- F1 Car Parking
- G17 Design Criteria for New Development

