

Application Number 07/2018/9384/FUL

Address 47 Chapel Brow
Leyland
Lancashire
PR25 3NH

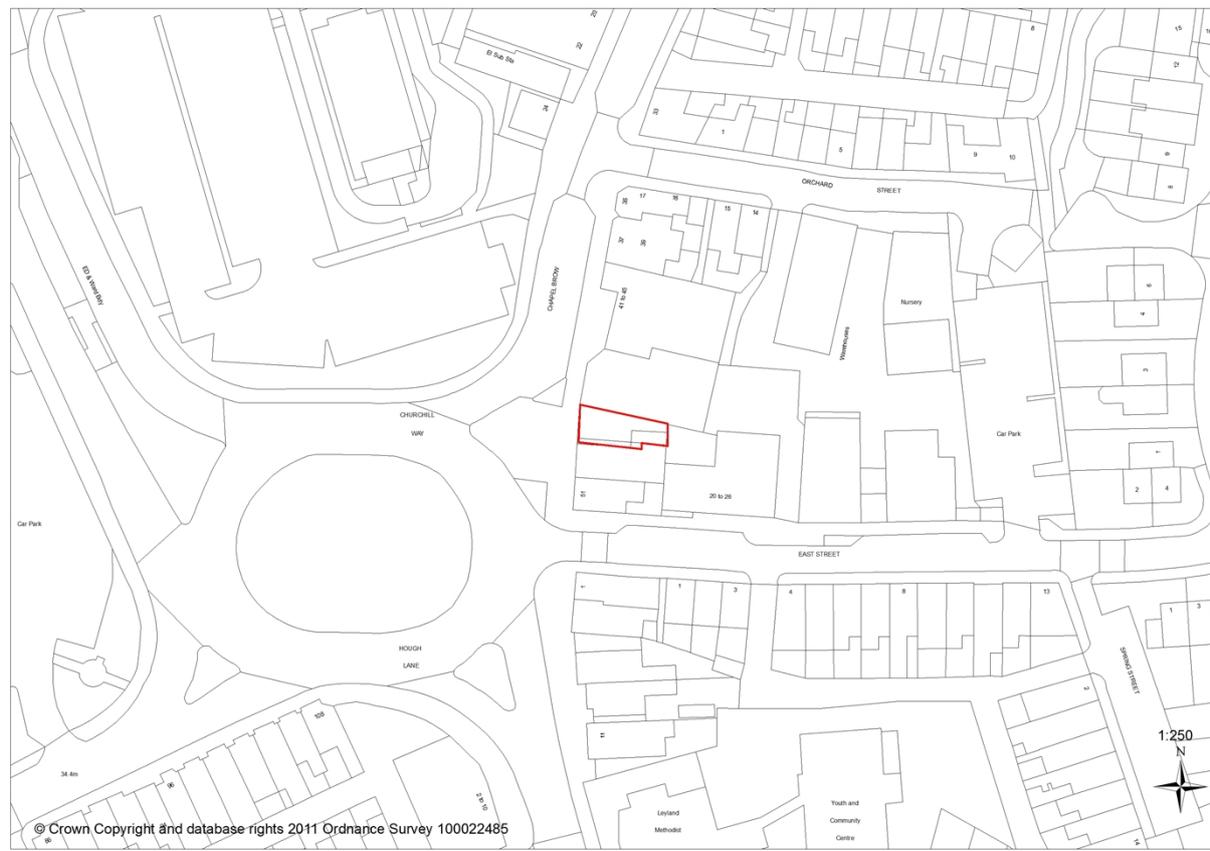
Applicant Mr Ismail Ilick

Agent Mr Zuned Vorajee
47 Regent Drive
PR2 3JB

Development Change of Use from A1 (retail) to A4 (drinking establishment) (ground floor) and erection of two storey rear extension

Officer Recommendation **Approval with Conditions**
Officer Name **Mrs Linda Ashcroft**

Date application valid 17.12.2018
Target Determination Date 11.02.2019
Extension of Time



1. **Report Summary**

- 1.1 The application is for a change of use of a vacant A1 retail premises into a drinking establishment within the A4 Use class together with a two storey rear extension.
- 1.2 The site is situated within the Leyland Town Centre.
- 1.3 The premises has a lawful use for retail and is in a highly sustainable location. Three objections have been received which relate to the use of premises as a public house and not to the rear extension. County Highways have raised no objections and consider the proposal should have a negligible impact on highway safety and capacity in the immediate vicinity. Environment Health have raised no objection but have recommended a number of conditions to be imposed. The application is recommended for approval subject to the imposition of conditions.

2. **Site and Surrounding Area**

- 2.1 The application relates to a property which is currently a vacant retail shop which was last used as a barber shop at ground floor with a first floor flat above which is currently occupied by the applicant. The premises presently fall within Use Class A1 (Shops) and is situated within the Leyland Town Centre where Policy E3 in the South Ribble Local Plan is relevant.
- 2.2 The site fronts the roundabout situated at the junctions of Chapel Brow, Hough Lane, Turpin Green Lane and Churchill Way with a wide pavement area to the front. The area is a mix of residential and commercial with the Churchill Way retail area set to the north west.
- 2.3 The application property is the end of a row of three commercial premises with a car park immediate to the north and residential flats set to the east (rear). The car park to the north is a private car park for 41-45 Chapel Brow which is used as a café at ground floor with offices also at ground and first floor.

3. **Planning History**

- 3.1 07/1981/0108 – Extension to hairdressers shop. Approved.

4. **Proposal**

- 4.1 The application proposes the change of use of the ground floor from Use Class A1 (Shop) to Use Class A4 (Drinking Establishment) and a two storey rear extension.
- 4.2 The ground floor only is to be converted into a bar which will also serve cold food with the existing shop floor area housing the main bar/serving area and the ground floor element of the proposed two storey rear extension accommodating a unisex disabled wc and a kitchen to serve the bar.
- 4.3 The application form states the opening hours as Monday to Friday 12:00 hours to 23:00 hours, Saturday 12:00 hours to 00:30 hours and Sunday and Bank Holidays 12:00 hours to 23:00 hours.
- 4.4 Two storey rear extension will measure a maximum width of 3.7m by a maximum length of 6.35m with a sloping roof which will extend from the eaves of the main building giving a maximum height of 6.15m and an eaves height of 3.4m. The extension will accommodate a kitchen and wc for the business use together with an enclosed entrance and internal staircase for the first floor flat. A first floor obscure

glazed window is proposed into the southern elevation with a window and two doors at ground floor.

4.5 The extension will be finished in red brick with slates to the sloping roof.

4.6 Refuse storage areas are to be provided for both the commercial use and the residential flat to the rear of the site which is accessed through a separate front door which leads to an alleyway formed under the first floor of the building.

5. Summary of Publicity

5.1 Neighbouring properties were notified and a site notice posted with three letters of representation being received, objecting to the proposal on the following grounds:

- Drinking establishment will affect the environment built on this street;
- Licensed premises will driveway away regular customers from my shop;
- Many school children come to shop straight after school; licensed premises will affect them or the parents will keep them away;
- Too close to residential houses;
- Already parking problems around East Street day and night;
- Don't want more potential intoxicated people or otherwise being attracted to this area;
- Car park adjacent site is used as a toilet, no policing available for this issue;
- No need for another public house, do not need to have drunks staggering around;
- Encourage smoking outside with associated litter be thrown on the floor;
- Need more businesses that we do not already have;

6. Summary of Consultations

6.1 **County Highways** have raised no objections to the proposed development and is of the opinion that the proposals should have a negligible impact on highway safety and capacity within the immediate vicinity of the site. County Highways have also commented that *"the application does not include any off road parking, however the site is located within a highly accessible town centre location with good access to public transport, public car parks and sufficient waiting restrictions in the vicinity of the site to control on road parking."*

6.2 **Environmental Health** have raised no objection but have requested a number of conditions, should the Committee be minded to approve the application, relating to construction activities, contaminated land, noise and odour. Environmental Health have also confirmed that they have no concerns or issues in respect of a unisex disabled wc.

7. Policy Considerations

7.1 The **National Planning Policy Framework (NPPF)** favours sustainable development which includes building a strong, responsive and competitive economy. Paragraph 80 of the NPPF states that *"decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development."* Despite its town centre allocation, Chapel Brow is a relatively underused area historically defined by its night time economy. The proposal site sits in close proximity to both a railway station and town centre and should however assist in attracting people to this lesser used location resulting in what is considered to be positive diversification of the town centre as a whole.

- 7.2 **Core Strategy Policy 11 (Retail and Town Centre Uses)** aims to maintain and improve the vitality and viability of Leyland town centre.
- 7.3 **Core Strategy Policy 12 (Culture & Entertainment Facilities)** seeks to promote cultural and entertainment facilities within key service centres, one of which is Leyland, and *“develop the family entertainment offer in Leyland. Family encompasses all ages and although there are several public houses in the town centre, many aim towards the younger generation of society, some with an emphasis on food for families, which by their very nature are noisier in comparison with the proposal.*
- 7.4 **Local Plan Policy G17 (Design) and Core Strategy Policy 17 (Design)** both support development where design and siting are of a high quality, car parking and servicing provision are acceptable and there is no impact on surrounding land use. Although the proposal does not accord with adopted parking standards as set down in Local Plan Policy F1 (Parking Standards), Policy E3 (Leyland Town Centre) in the Local Plan states that *“new use in the town centre will either be expected to use existing car parking facilities within the town centre (if they are in close proximity) or provide the appropriate level of car parking”*. As the premises are on in a highly accessible town centre location and in close proximity to car parks, bus stops and railway station, this proposal appears to accord well to the sentiments of the above. LCC Highways have raised no objection and is of the opinion that the proposals should have a negligible impact on highway safety and capacity within the immediate vicinity of the site.
- 7.5 The site is located within the ‘Secondary Retail’ Frontage in Policy E3 (Leyland Town Centre) where A1 (retail) uses will be protected and enhanced but *“A3 (Cafes and Restaurants) and A4 (Drinking establishments) may be appropriate to maintain the vitality and viability of the area.”*

8. **Material Considerations**

8.1 **Character / Appearance**

- 8.1.2 There are no proposed changes to the front elevation. The rear extension will abut up to an existing wall to the yard area to the north and east with the brickwork forming the sloping roof being visible from the adjacent car park to the north which will be constructed in red brick with slates to the roof. It is therefore considered the proposed extension will not have a detrimental impact on the character and appearance of the area.

8.2 **Relationship to Neighbours**

To the rear of the site is a three storey block of flats which has facing windows in all storeys. There is an existing separation distance of some 8.5m from the rear yard wall to the western elevation of the residential block of flats. The extension will be single storey where it meets with the yard boundary wall to the east; no roof lights are proposed nor will there be any first floor facing windows and therefore there would be no loss of privacy. There are other residential properties in the area which are situated within Orchard Street (35m) to the north and East Street (14m) to the south.

- 8.2.1 To the north of the proposed extension is a private car park within the ownership of commercial premises at Nos. 41-45 Chapel Brow.
- 8.2.2 To the south of the application property is a shop selling clothing. To the rear is a single storey flat roofed extension and a two storey projection. There is a side facing ‘window’ into the first floor element which is boarded up and a first floor window into the rear elevation. A first floor window is proposed into the side facing elevation of the extension but this is to be obscure glazed.

8.2.3 The proposed bar area is to the front portion of the building with the extension to the rear providing a unisex disabled wc, kitchen and a separate access to the first floor flat.

8.2.4 Concerns in respect of the use of this land as a toilet is not a material planning consideration and a condition will be imposed to provide receptacles to dispose of cigarette butts and litter.

8.2.5 Due to the aforementioned it is therefore considered the proposal will not have a detrimental impact upon nearby residential dwellings or adjacent commercial properties by virtue of unacceptable noise and disturbance nor will there be any undue loss of privacy. There is sufficient parking available within the town centre.

8.3 **Highway Issues**

8.3.1 The site is in a highly sustainable location within the Leyland Town Centre and is close to bus and train connections and public car parks. Lancashire County Highways are satisfied that the application property is located within a highly accessible town centre location with good access to public transport, public car parks and sufficient waiting restrictions in the vicinity of the site to control on road parking.

8.4 **Noise / Disturbance**

8.4.1 Environmental Health have raised no objection but have recommended conditions be imposed relating to hours of construction and deliveries of construction materials and time restriction for the disposal of empty glasses. The applicant occupies the first floor flat and therefore Environmental Health also request a condition be imposed limiting the occupation of the first floor flat to a person solely or mainly employed by the business, including a dependent of such a person residing with them. In respect of opening hours, this will be controlled by Licensing.

9. **Conclusion**

9.1 The proposed change of use of the ground floor from Use Class A1 (Shop) to Use Class A4 (Drinking Establishment) together with a two storey rear extension complies with the requirements of Policy E3 of the South Ribble Local Plan and is therefore acceptable. The proposal will not have a detrimental impact upon the character and appearance of the area nor will it impact upon the amenities of neighbouring properties. There have been no objections from LCC Highways or Environmental Health. The proposal accords with Policies 11 and 12 of the Core Strategy and Policies E3, F1 and G17 of the South Ribble Local Plan. The application is therefore 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. During the site preparation and construction of the development no machinery, plant or powered tools shall be operated outside the hours of 08:00 to 18:00 Monday to Friday 09:00 - 13:00 on Saturdays. No construction shall take place at anytime on Sundays or nationally recognised Bank Holidays.

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

3. No deliveries of construction materials or removal of construction waste shall be undertaken outside the hours of 09:00 - 17:00 Monday to Friday. No deliveries or removal of waste shall be carried out at weekends or nationally recognised Bank Holidays.

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

4. Once works commence on the site, should site operatives discover any adverse ground conditions and suspect it to be contaminated, they should report this to the Site Manager and the Contaminated Land Officer at South Ribble Borough Council. Works in that location should cease and the problem area roped off. A Competent Person shall be employed to undertake sampling and analysis of the suspected contaminated materials. A report which contains details of sampling methodologies and analysis results, together with remedial methodologies shall be submitted to the Local Planning Authority for approval in writing. The approved remediation scheme shall be implemented prior to further development works taking place and prior to occupation of the development. Should no adverse ground conditions be encountered during site works and/or development, a verification statement shall be forwarded in writing to the Local Planning Authority prior to occupation of the building/s, which confirms that no adverse ground conditions were found.

REASON: To ensure that the site is suitable for its intended end use and development work will not cause pollution of ground and surface waters both on and off site, in accordance with:

- Policy 17 of the Central Lancashire Development Plan,
- the National Planning Policy Framework.

NOTE TO APPLICANT:

If no adverse conditions are encountered to discharge this condition photographic evidence of all ground workings shall be submitted together with a description of the ground encountered.

5. The occupation of the first floor flat shall be limited to a person solely or mainly employed by the business hereby approved, including a dependent of such a person residing with him/her.

REASON: To safeguard the living conditions of any future occupants of the flat hereby approved particularly with regard to the effects of noise in accordance with Policy 17 in the Central Lancashire Core Strategy

6. Waste, including empty bottles, shall not be removed from the premises (taken outside the building) between the hours of 22:00 - 08:00 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 and the NPPF.

7. Receptacles shall be provided for the use of patrons to dispose of cigarette butts and litter. These shall be maintained and emptied at least once a day from first use of the site during the operation of the permitted development.

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.

8. Prior to the installation of any external fixed mechanical plant, equipment, air conditioning units and/or condenser units or extraction systems to the extension full details of the siting and noise and odour 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 and Policy G17 in the South Ribble Local Plan.

9. The development, hereby permitted, shall be carried out in accordance with the submitted approved plans Dwg 3, 4, location and site plan of Job No. 0107.

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

RELEVANT POLICY

NPPF	National Planning Policy Framework
12	Culture and Entertainment Facilities (Core Strategy Policy)
11	Retail and Town Centre Uses and Business Based Tourism (Core Strategy Policy)
POLG17	Design Criteria for New Development
POLF1	Car Parking
POLE3	Leyland Town Centre

Note:
