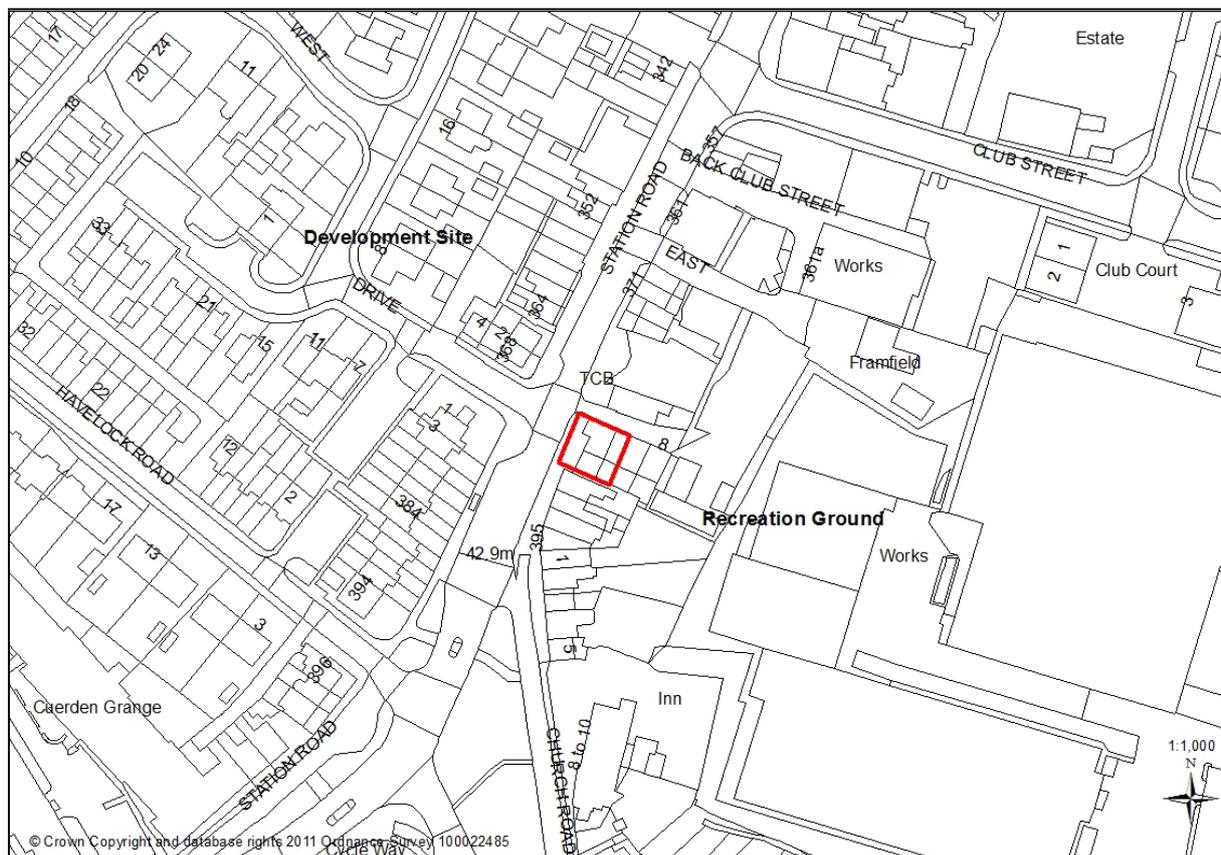


Application Number	07/2019/1571/FUL
Address	2 - 4 Spinners Square Bamber Bridge Preston Lancashire PR5 6EQ
Applicant	Mr Lee Forshaw
Agent	Mr Chris Weetman CW Planning Solutions Ltd 1 Reeveswood Eccleston PR7 5RS
Development	Change of use from A1 (shop) to A4 (drinking establishment), single storey side extension and decking area to front and side (resubmission of 07/2018/3514/FUL).
Officer Recommendation	Approval with conditions
Officer Name	Mrs Debbie Roberts
Date application valid	18.02.2019
Target Determination Date	15.04.2019
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. Advertisement consent was separately applied for and granted in July 2018.

1.2. Decking has been shown to the front of the property, whilst a small landscaped area would screen beer and external bin stores from view of the highway. A number of cosmetic changes which do not require permission are also shown on proposal drawings. Noise assessment of the building, and proposed decking areas has also been undertaken

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. The premises licence issued under separate regime accepts these hours but requires installation of a noise limiting device, removal of external furniture and supervision of outside areas by 22:30. As the licence does not require closure of the decking from this time a planning condition to prevent use of the decking by visiting members of the public from 22:30 is felt necessary should permission be granted. This would assist with protection of the amenity of immediately adjacent neighbours. Deliveries and waste removal would be taken from Station Road through the dedicated access between proposed planting and decking.

1.4. Off road parking is not available, but this reflects most commercial properties in the area. County Highways have fully assessed the application (see Para 7.3 below) and have no objection

1.5. Environmental Health have assessed the applicant's noise report, but have some concerns with regards to its content. The report assesses the site but refers to the previously refused scheme and only takes limited account of extended areas outside of the applicant's ownership.

1.6. At the time of writing this report, and following full consultation, 29 letters of objection have been received. 61 letters of support (including 38 in response to the applicants advertisement) were also submitted in addition to a petition from 845 people. Representation is summarised at Para 6.1.1 below; late comments will be reported verbally at committee.

1.7. There is no doubt that this proposal has the potential to impact upon neighbouring properties, but concerns of the Environmental Health team who have not formally objected with regards to 'potential' noise nuisance do not carry sufficient weight as to warrant refusal. Alterations have been made to keep external areas to the front of the property, and to screen service areas from view but the fact remains that decking would face a number of residential properties, and any decision will be very finely balanced. Parking space is not available but this is the case for many of the properties on Station Road which is a fairly sustainable location and the Highways Authority have no objection. On balance and having regard to all of the material considerations set out in this report the proposal is considered to accord with the relevant policies of the National Planning Policy Framework, South Ribble Local Plan and Central Lancashire Core Strategy. It is therefore recommended for approval.

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 existing wall and fencing. 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), and beyond which is Church Road Conservation Area.

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 but this is not unusual for businesses along Station Road. Parking in front of Bargain Booze is within third party ownership, and as such is not available 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 being located approximately 500m to the north.

3. Site Context / Planning History

3.1. There are 5 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
- 07/2018/3515/ADV – advertisement consent approved July 2018
- 07/2018/3514/FUL - Change of use from A1 (shop) to A4 (drinking establishment), single storey side extension and decking area with fencing to front and side. Refused by Planning Committee in July 2018 for the following reasons:
 - a) 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
 - b) 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)

An appeal against this decision has been lodged with the Planning Inspectorate who at the time of writing this report had not made a decision.

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.

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. Extraction equipment originally planned to the front elevation has not been shown on the latest proposal drawings but a condition to require pre-commencement detail is considered acceptable if permission is granted. Cosmetic refurbishment of the property which does not require planning permission is also proposed.

4.3. *Beer Store Extension/ Yard Area* – a small, beer store extension of 3.8m x 4.2m, with a maximum ridge height of 3.2m and eaves to 2.1m is proposed to the southern side of the building. To the west of this would be a yard area with enclosed bin store accessed from the main road, and an area of planting (3m x 3m) to both screen the yard and separate no: 389 Station Road from proposed decking. An existing wall runs along the southern side to prevent access other than from within the pub. If approved a condition to prevent use of the yard by members of the public is felt necessary.

4.4. *Decking* – An 'L' shaped area of decking is proposed to the front of the property. The decking would be 200mm high, 8.8m wide, between 1.4m (northern end) and 3.6m deep, and would be screened by wooden fence of 1.3m high. Decking would be accessed from within the pub only; access into the pub being segregated.

4.5. 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. The premises licence issued under separate regime accepts these hours but requires installation of a noise limiting device, removal of external furniture and supervision of outside areas by 22:30. As the licence does not require closure of the decking from this time a planning condition to prevent use of the decking by visiting members of the public from 22:30 is felt necessary. This would assist with protection of the amenity of immediately adjacent neighbours. Deliveries and waste removal would be taken from Station Road through the dedicated access between proposed planting and decking.

4.6. 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 western side which would be screened by proposed fencing

5. Summary of Supporting Documents

5.1. The application and is accompanied by the following:

- Proposed floor plans/existing elevations & floor plans (Dwg 1 of 3: Nov 2018) Entwistle Design Services
- Proposed elevations (Dwg 2 of 3: November 2018) Entwistle Design Services
- Proposed site plan (Dwg 3 of 3: November 2018) Entwistle Design Services
- Noise Impact Assessment (John Holdsworthy/Sound Advice: 3.10.18)
- Planning Statement (CW Planning)

6. Representations

6.1. Summary of Publicity

6.1.1. A site notice has been posted, and 46 neighbouring properties consulted.

6.2. Letters of Objection

6.2.1. At the time of writing this report 29 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
- Effect on vulnerable individuals, children and elderly residents from drunk users of the pub
- Smoke from people using smoking area would impact directly on adjacent properties
- 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.
- Light pollution from external lighting
- Risks to child safety (neighbouring children) which would also contradict licencing objectives

Noise

- Noise from clients arriving and leaving by taxi, and queuing for admission but waiting in front of residential properties
- Increased noise will result in loss of sleep to residents and will affect quality of life; particularly residents of Spinners Square dwellings whose properties are 200 years old and have no cavity wall protection
- Problems should music be allowed at, or outside of the premises
- Noise from proposed refrigeration unit
- Noise from bottle collection will travel
- Residents will not be able to open windows during pub opening hours – this has traditionally been the quiet part of Bamber Bridge

Design

- Property and its outside areas have been left in an untidy state so as to make it appear as if it is '*in need of saving*'
- '*Poorly thought out and cheap materials*' proposed

Highways

- Proposal will exacerbate parking problems on Station Road, Lychfield Drive and West View
- Lack of off road parking and presence of bus stop means that deliveries, waste removal vehicles and taxis will park directly outside neighbouring properties
- No parking proposed for either pub or managers flat
- Reduced width to pavement – proposal is wholly within the applicants land and not on the public highway

Other Comments

- Two respondents say that they have received a copy of a letter of thanks for signing the petition from the Withy Arms. Neither resident supports the scheme or has signed a petition, and both are of the opinion that signatures have been fabricated to sway opinion. The first supplies a copy of the letter which appears to be a mistake as it is addressed to someone else. A check has also been made by your officers and neither name is listed within the petition.

- Users of the bus stop will be intimidated by users of the pub
- First noise report undertook sound testing in adjacent property but second assessment did not – Environmental Health have confirmed that they have no issue with regards to how testing proceeded, and that testing on a second occasion was not necessary
- Disparity between opening times for this property and other micro-pubs
- Respondent questions if consultation has been undertaken to Sue Ryder (1.5km south-east) and Dixons Farm (500m south) – both of which accommodate vulnerable adults. As both properties are distant from Spinners Square neither has been consulted directly, although statutory consultation has been undertaken in the usual way.

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

- 'There are too many pubs in the area'* – Proliferation of premises is not relevant to this proposal
- Proposal will deter house sales and reduce house value – property value is not a material planning consideration
- Proposed garden area is a potential fire hazard – refers recent fire at similar property in Fulwood
- Proposed times allowed by applicants licence differ to other pubs in the area. Proposed dress code and caretaking measures will not happen – there is a lack of staff intervention at other premises when things go wrong
- The applicant is trying to bribe people with free gifts in return for support (see Para 6.3.2 below). Separate respondent sought clarification from the Councils Licensing Manager about the lawfulness of free drink/gift offer advertised
- Respondent suggests the pub should relocate to *'one of the new units near Morrison's'*
- Comments made with regards to applicants working practices at his other venues and general behaviour

6.3. Letters of Support

6.3.1. A petition with 845 signatures raised by the applicant in support of the proposal has been submitted. 61 other letters of support (including two from directors of the Wither Arms Group Ltd) have also been received which are summarised as:

- Support for redevelopment of the untidy site
- Investment is needed in this neglected part of Bamber Bridge
- Proposal would enhance community spirit and be a community hub
- Micro pubs are a smaller, much friendlier type of place and are better for *'mature drinkers'*
- Very few *'great leisure offers'* to the south of the railway line
- Wither Group properties are *'a great place to eat'*
- Respondent refers to the applicants track record

6.3.2. Of these 61 letters of support, 38 specifically refer to the proposal as a café/coffee bar or copy the Wither Arms group e mail into their representation. Proposals submitted to the Council have not at any point identified the premises as a coffee bar but the scheme is referred to as such in an advert placed by the applicant on social media which states.

'Please show your support for our coffee bar/micro pub by sending an e mail to ... (gives Council contact details). Copy us in (Withers Arms) on your e mail so that we can make sure you have an invite to the VIP opening night with loads of free samples and goodies'

Conversely objection to the scheme has been submitted by three residents who live outside of the borough, and who would not suffer in any way from redevelopment of the site.

It is for members to decide how much weight should be given to these submissions in the decision process.

7. Summary of Responses

7.1. **Environmental Health** have the following comments to make:

1. The planning support statement refers to the decking area as used for smoking. The use of the decking area is not limited to this and a condition of the licence is that the outside furniture is removed from this decking area at 10.30pm.

2. The acoustic report referred to on page 8 of the supporting statement as 'accepted by the EHO' was only partially accepted. The most contentious part of the report relating to the decking was definitely not accepted and this ultimately led to the re-design of the decking area. The acoustic report itself refers to the earlier design which is different to this planning application.

3. In order to continue to fulfil its purpose the area of protective planting will need to be maintained such that customers cannot use this area. A condition to this effect would be imposed should permission be granted.

4. The licensing objective of prevention of public nuisance is a different standard to the loss of amenity considered under planning. It is quite possible for noise issues to lead to a loss of amenity without them amounting to a public or statutory nuisance.

7.1.1. *Premises Licence* - a premises licence has already been granted for opening between 10am till midnight Sunday to Thursday and 10am till 1am Friday and Saturday, but is subject to a number of conditions.

7.1.2. The applicant requires separate planning permission and Members should be aware that Planning and Licensing are separate regimes, and that the decision of the Council in its capacity as licensing authority in no way binds its ability to make a different decision in its planning capacity. The Council's ability to defend a planning refusal would not be fettered by a decision to allow a premises licence. The decision of whether or not any noise would be acceptable in planning terms would be subject to a different decision making test. This is made expressly clear in the s.182 Guidance published under the 2003 Licensing Act which should be given considerable weight in the planning balance, and says that:

7.1.3. *"The statement of licensing policy should indicate that planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa."*

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 2 recorded incidents on the LCC 5 year accident database; none of which would have been worsened by the proposed development. LCC are satisfied that the proposed decking is located outside of the adopted highway and that areas around the bus stop are wide enough to accommodate pedestrian movements. They 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.

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 (2019)

The NPPF at Para's 8 and 11: provides a presumption in favour of sustainable development, and supports sustainable economic growth which respects health, social and cultural wellbeing. Other pertinent chapters of the NPPF are:

8.2.1.2 Chapter 6: Building a Strong, Competitive Economy. Para 80 states that planning decisions should take into account local business needs and wider opportunities for development, allowing each area to build on its strengths and address the challenges of the future. Planning policies should also be *'flexible enough to accommodate needs not anticipated in the plans and to allow rapid response to changes in economic circumstances'* (Para 81)

8.2.1.3. Chapter 12: Achieving Well Designed Places attaches great importance to the design of the built environment which contributes positively to making better places for people. Para 127(f) of this chapter states that planning decisions should promote health and well-being, with a high standard of amenity for existing and future users.

8.2.1.4. Chapter 15: Conserving and Enhancing the Natural Environment – Although primarily concerned with more rural aspects of the natural environment, Para: 170(e) 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 180 of the same chapter states that decisions should *'mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life'*

8.2.2. Central Lancashire Core Strategy

8.2.2.1. 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.

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

8.2.2.3. 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'.

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

8.2.2.5. 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:

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

8.2.3.2. 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. Local Economy

8.3.2. The application premises sit just outside of an established local centre, and the proposal is likely to support rather than impact upon local business by attracting people into the area. The micro-pub market is a relatively new market, and although not specifically considered within the Development Plan itself, removes a vacant premises whilst offering a level of positive diversification to Bamber Bridge. There is no dispute that proposed changes would be acceptable from an economic perspective.

8.4. Impact of Development on Neighbouring Properties

8.4.2. 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. Both Spinners Square neighbours are domestic properties.

8.4.3. In the south is 389 Station Road whose side elevation would face the side of the proposed yard and landscaped area, and would be screened by the existing wall. 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.

8.4.4. 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 applicants Noise Impact Assessment has been considered by Environmental Health and in principle mitigation to the building is considered to assuage any impact resulting from noise to adjacent residents. The same guarantee cannot be made with regards to noise issue from the proposed decking, however a number of amendments to the earlier scheme should offer some reduction in potential noise pollution and the current traffic noise situation must be given some consideration. The proposed beer store and existing fence will offer some screening to the resident of no: 6 Spinners Square. Decking has been purposely positioned to be away from its attached neighbours and is well screened but would face residential properties on Station Road; conditions to prevent its use after 10.30pm (if approved) should assist with retaining control.

8.4.5. Daytime stock deliveries to the property would be similar to those of any other business, but the arrival and departure of customers by taxi has the potential – particularly late at night – to be of issue. There are no parking spaces available to the property but driving to and from such premises by customers would be discouraged anyway.

8.4.6. The negative impact of the current, untidy site on the visual amenity of the area should also be afforded some weight in the planning argument.

8.5. Design, Character & Appearance

8.5.2. 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.

8.5.3. 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 are mainly to the north although some do exist towards and beyond this site. The Conservation Area sits 30m to the south

8.5.4. Conversion of the property would undoubtedly upgrade what is a very tired unit – the applicant has a track record in the area of well-maintained properties, and in purely visual terms, minimal changes to allow for the proposal change of use alone are not considered unacceptable. Refrigeration equipment proposed on the earlier scheme has not been shown on this occasion, but its placement can be appropriately controlled by condition.

8.6. Highways Considerations, Suitability of Access and Parking Arrangements

8.6.2. 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 currently 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

8.7. Noise

8.8. Noise has been assessed by South Ribble Environmental Health as the Council's acoustic specialist; their comments are noted above. The applicant's noise report seeks to address issues raised during the initial scheme. It notes that whilst EH had concerns with regards to flanking noise between properties, their comments are out of proportion as some flanking noise would be found in all attached properties. The existence of noise is less relevant than whether that noise is disproportionate. Noise assessment has been undertaken on the area proposed for external use, and the report acknowledges that in the current situation, and with existing traffic in mind, it is unlikely that residents would in any case be able to open windows without experiencing some noise nuisance. That being said, it should be taken into account that traffic reduces in the evening to allow residents a level of peace which would arguably be lost should permission be granted.

8.9. Environmental Health have noted that the latest noise assessment refers to the previous scheme which throws some doubt onto its efficacy.

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 statutory consultees, and whilst LCC now have no objection on parking or highways safety grounds, there are concerns with regards to noise arising from the premises and its surroundings if approved.

Positive and negative aspects of the proposal are listed below, and may assist with Members when weighing up the planning balance. Please also bear in mind the requirement to separate licensing and planning regimes.

In support of the proposal

- The scheme will re-use an empty property in an edge of town centre location
- Benefits to local economy and employment – positive investment in Bamber Bridge
- Petition with 845 signatures and 61 letters of support; albeit 38 are in response to incentives offered by the applicant
- Parking situation reflects that of other Station Road properties

Against the proposal

- 29 letters of objection
- Potential for noise from areas outside the applicants 'red edge' which cannot be assessed by Noise Impact Assessment, but are associated with use of the property
- Impact to neighbouring residents resulting from lack of customer, service or Managers flat parking
- Potential noise, smoke (from external areas) and light pollution

9.2 The applicant has provided information to show that works to internal areas of the building could protect the living conditions and amenity of neighbouring properties. Noise from decking cannot be completely mitigated against but conditions could be put in place to reduce any negative impact. Areas outside of the applicant's ownership however cannot be controlled via noise mitigation e.g. increased activity, noise and traffic generation i.e. client arrival/collection by taxi, delivery vehicles without off road parking etc.

9.3. There is no doubt that this proposal has the potential to impact upon neighbouring properties, but concerns of the Environmental Health team who have not formally objected with regards to 'potential' noise nuisance do not carry sufficient weight as to warrant refusal. Alterations have been made to keep external areas to the front of the property, and to screen service areas from view but the fact remains that decking would face a number of residential properties, and any decision will be very finely balanced. Parking space is not available but this is the case for many of the properties on Station Road which is a fairly sustainable location and the Highways Authority have no objection. On balance and having regard to all of the material considerations set out in this report the proposal is considered to accord with the relevant policies of the National Planning Policy Framework, South Ribble Local Plan and Central Lancashire Core Strategy. It is therefore recommended for approval.

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 following approved plans
 - 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 StatementREASON: For the avoidance of doubt and to ensure a satisfactory standard of development
3. No work shall be commenced until satisfactory details of the colour and texture of the facing and roofing materials to be used have been submitted to and approved by the Local Planning Authority.
REASON: To ensure before development commences that materials used will result in the developments satisfactory appearance in accordance with Policy 17 of the Central Lancashire Core Strategy and Local Plan 2012-2026 Policy G17
4. Prior to the commencement of the development details of all extraction, refrigeration and external ventilation stacks (including height or stacks and noise levels to be produced) shall be submitted for written approval to the Local Planning Authority. Details shall include confirmation where appropriate that fixed mechanical plant is enclosed with sound insulating material and mounted in a way which will minimise transmission of structure and air borne sound, 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: 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.
5. During construction and site clearance, no machinery shall be operated, no processes carried out or deliveries taken at or dispatched from the site outside the following times:
0800 hrs to 1800 hrs Monday to Friday
0900 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
6. The development hereby approved shall not be brought into use until the beer store and waste storage area has been constructed in full.
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 Local Plan 2012-2026 Policy G17
7. 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

8. The use of the outside seating area by visiting members of the public shall cease at 10.30pm, and all artificial lighting - other than those identified above fascia signage by approved plan '2 of 3' November 2018 (Entwistle Design) shall be switched off by 10.30pm.
REASON: In the interests of the amenity and to safe guard the living conditions of the nearby residents in accordance with Local Plan 2012-2026 Policy G17 and Policy 17 in the Central Lancashire Core Strategy.
9. The yard/ waste storage area identified by approved plan 3 of 3 shall not be used by visiting members of the public at any time
REASON: In the interests of the amenity and to safe guard the living conditions of the nearby residents in accordance with Local Plan 2012-2026 Policy G17 and Policy 17 in the Central Lancashire Core Strategy.
10. No recorded or live music, televisions or similar media devices shall be used in the outside area
REASON: In the interests of the amenity and to safe guard the living conditions of the nearby residents in accordance with Local Plan 2012-2026 Policy G17 and Policy 17 in the Central Lancashire Core Strategy.
11. Refuse, recycling and waste materials shall only be stored in the waste store identified by approved plan 1 Of 3. Materials shall not be stored on the public highway or pavement adjacent to the public highway unless on the day of collection by an appropriate body. Immediately following collection, waste containers/bins shall be moved back to the recessed area. The approved area shall be retained thereafter for waste storage and for no other purpose 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 Policies B1(c) and G17 in the South Ribble Local Plan
12. No additional external 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
13. Waste, including empty bottles shall not be removed from within the premises (taken outside) between the hours of 6pm 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
14. Deliveries to the premises shall not be taken outside the hours of 10am and 4pm
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
15. 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 in conjunction with the Environmental Health Section of the Council to ensure that the resulting sound cannot be heard at neighbouring properties.
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

16. The approved landscaping scheme shall be implemented in the first planting season following completion of the development or first occupation/use, whichever is the soonest, and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority, in compliance with BS 5837 2012 - Trees in Relation to Design, Demolition and Construction - Recommendations. This maintenance shall include the watering, weeding, mulching and adjustment and removal of stakes and support systems, and shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies by the same species. The replacement tree or shrub must be of similar size to that originally planted. The planting area shall not be used for any other purposes, and shall be retained at all times unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interests of the amenity of the area in accordance with Policy 17 in the Central Lancashire Core Strategy, Policy G13 and Policy G17 in the South Ribble Local Plan 2012-2026

17. Prior to first use of the building as hereby approved, the construction details recommended by the submitted noise report (Sound Advice: 22nd May 2018) shall be installed. Following installation of mitigation works further testing shall be undertaken to show that the party wall can achieve a level of at least 55db DnTW*Ctr. The report shall be supplied and agreed in writing with the Local Planning Authority, and shall include, but not be limited to details of

- a) How speaker mounts have been isolated from the walls, and
- b) Calculated noise levels from the beer chiller unit at adjacent residential accommodation and accommodation across the street.

Once agreed any necessary control measures shall be implemented prior to first opening of the business, and retained thereafter.

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

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

Note:

1. Informative: Lancashire Constabulary recommend that prior to first occupation of the premises hereby approved, the following should be installed, maintained and retained thereafter.

- A recorded HD digital colour CCTV system should be installed to BS EN 62676 series. The system should cover the outside of the building, especially entrance and exits doors, and internal public areas to deter criminal or anti-social behaviour activities and for any evidential purposes. The cameras must not be located where they can be easily disabled or tampered with. If they can be reached, they must be housed within a secure

casing to protect them from damage or mounted on dedicated anti-climb metal poles. Recorded images should be time and date stamped and stored for a 30-day period before being destroyed. CCTV recording equipment must be stored in a locked room and staff suitably trained to use the system in order to retrieve data should an offence take place. Adequate clear signage should inform users of the site that CCTV is present and in operation.

- All new windows and doors should be PAS24:2012/2016 certification or an alternative acceptable standard, such as LPS 1175. Existing doors and frames should be solid, robust and incorporate lock devices certified to BS EN 1303:2015 (TS007 3 Star standard) or BS 3621, as minimum standards, and any glazing should be laminated. Ground floor or easily accessible windows should be fitted with key operated locks (keys removed and stored securely) to reduce the risk of burglary and incorporate laminated glazing. Key operated window restrictors should also be installed to prevent 'sneak-in' type thefts (unless designated fire exits).
- Due to the nature of the business and the inclusion of residential accommodation above, a bespoke wireless or hardwired monitored Intruder Alarm system should be installed to EN50131 (Grade 1-4) that complies with the National Police Chiefs Council Policy 'Guidelines on Police Requirements and Response to Security Systems'. The system should cover all available points of access (doors, windows and ceiling/roof). A full risk assessment should identify whether the design of the alarm system incorporates a combination of internal passive infrared detectors, magnetic door and window contacts, break glass acoustic or vibration detectors, wall or ceiling sensor cable facilities. The alarm installation company should be certified by the National Security Inspectorate (NSI) or Security Systems Alarm Inspection Board (SSAIB), as both organisations promote high standards of service within the security community.
- Access to any roof areas should be restricted at all times. External rainwater pipes can be used as climbing aids they should be either square or rectangular in section, fitted flush against the wall or contained within a wall cavity or covered recess. Bends in pipes and horizontal runs should be minimized. External pipework should be of a fire resistant material. In addition, careful consideration should be given to the location of low rails; fencing; planters; or other external furniture, which may also facilitate easy access onto roof areas.
- Any fencing around the external seating areas should be designed to deter climbing over whilst still allowing natural surveillance into the area.
- If roller shutters/curtains are incorporated into the building, they should comply with security certification to LPS 1175: SR 1, as a minimum standard.
- The external waste storage area should be locked and secure to prevent unauthorised access, and covered by the CCTV system. The area should also be well lit using anti-vandal photoelectric 'dusk until dawn' fitments. Waste bins should have lockable lids to reduce the risk of arson and secured, especially those with wheels that can be used as climbing aids.
- External furniture and garden planters should be securely fixed in place so that they cannot be easily moved or stolen. However, as an alternative measure the external furniture used on outside decking areas could be removed and stored securely when the business is closed.
- Any landscaping or garden planters should not aid access onto the roof or impede the CCTV system, lighting provision, natural surveillance of the building and external seating areas.

- A comprehensive access control system should be incorporated onto specific doors of the building to restrict unauthorised access into private areas, such as the first floor living accommodation (at the bottom of the access spiral staircase), beer store, office space, storerooms etc. This could be via a digital push button lock (pin code must be kept secure and changed regularly); electronic proximity card reader; or cylinder night latch lock. However, if a key operated device is fitted then this should be kept locked at all times and incorporate a thumb turn on the inside, if deemed a fire exit. Automatic door closers should also be installed onto these door sets.
- The bar itself should be high and wide with access restricted to the staff area in order to reduce the risk of potentially aggressive customers reaching over to intimidate or assault staff. A personal attack facility for staff should be linked to the intruder alarm system. The bar staff should have a clear view of all the public areas.
- Emergency exit doors can be vulnerable to intruder attack and vandalism and should be free from external hardware and kept clear at all times. They should be illuminated to promote natural surveillance, linked into the intruder alarm system and covered by CCTV to deter crime and anti-social behaviour.
- There have been a large number of reported thefts and burglaries at construction sites across all areas of Lancashire. High value plant machinery, hand and power tools, lead and metal piping, insulation materials, white goods and boilers have been targeted, with some stolen items used to commit further criminal offences. Therefore, the site must be secured throughout the construction phase to should include security measures, such as;
 - robust 2.4m high anti-climb weld mesh perimeter fencing with matching lockable gates;
 - a monitored alarm system (with a response provision) for site cabins where tools, materials and fuel may be stored;
 - a monitored and/or recorded HD digital colour CCTV system, accredited with either National Security Inspectorate (NSI) or Security Systems & Alarm Inspection Board (SSAIB). Onsite CCTV recording equipment must be stored securely and located within an alarmed building/cabin.
- A full fire risk assessment should be undertaken, especially in relation to fire exit provision for customers and residents living in the first floor accommodation.
- 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